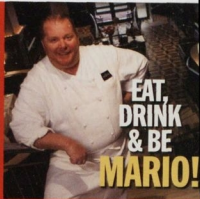


APRIL 10, 2006

THE SAN FRANCISCO QUAKE 100 YEARS LATER

# TIME



EAT,  
DRINK  
& BE  
MARIO!

A large, close-up photograph of the Statue of Liberty's face and hand, with the hand partially covering the face. The statue is green and set against a blue sky.

## WHO GETS TO BE AN AMERICAN?

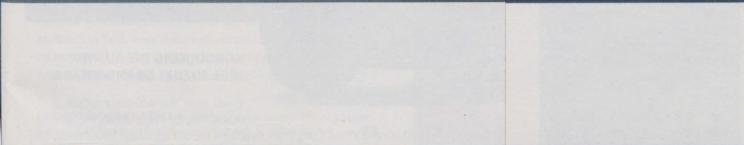
Inside the immigration debate  
that is dividing the nation

BY KAREN TUMULTY

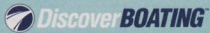


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# TIME

April 10, 2006  
Vol. 167, No. 15

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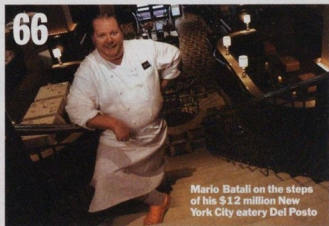


As Congress considers dramatically different immigration-reform bills, protests are erupting over the issue around the U.S. The debate reveals deep fissures in the Republican Party, as well as in a country hungry for cheap labor but concerned about border security, economic well-being and national identity



A militiaman in the Mahdi Army guards a Shi'ite neighborhood in Baghdad

San Francisco's city hall amid the wreckage from the 1906 earthquake



Mario Batali on the steps of his \$12 million New York City eatery Del Posto

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## Ask Mario

**Q** If reading about chef Mario Batali this week whets your appetite, send him your questions—about cooking, being a famous chef or almost anything—at [time.com/askmario](http://time.com/askmario)



### PHOTO ESSAY

#### EARTHQUAKE!

See more photos of the 1906 San Francisco quake, and read about how well (or poorly) we are prepared for other natural disasters, from hurricanes to pandemics. ▽

SAMANTHA APPLETON—AUNORA FOR TIME



## THE NATION'S BORDERS BECOME A BATTLEGROUND

### What's next for the debate over illegal immigrants?

As demonstrators hit the streets, the controversy is about to move into the U.S. Congress. Watch [time.com](http://time.com) for more coverage of the issue.

**TIME POLL** Read full details of TIME's survey of Americans' views on what should be done.

**LEGISLATIVE FIGHT** TIME's Karen Tumulty, author of this week's main story, will file a follow-up report when the Senate debate gets into high gear.

**PHOTO ESSAY** A look at how immigration has affected two towns, one in Mexico and one in Arkansas.

## TIME ARCHIVE A Multiethnic Nation

TIME has often cast its eye on the immigration issue, most recently with a February cover story on the life of undocumented workers.

Subscribers get **FREE** access to the entire TIME archive at [timearchive.com](http://timearchive.com)



### TIME ON TV

*The Oprah Winfrey Show*

TIME and The Oprah Winfrey Show team up to report on America's high school-dropout crisis. A special episode of Oprah airs on Tuesday, April 11 (check local listings).



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## 100 TIME

### YOUR CHOICE

Vote on who you think should be on the TIME 100, our annual list of the most influential people. This week: Leaders and Revolutionaries. [time.com/time100](http://time.com/time100)

## SURROUNDING THE OVAL OFFICE



### WHITE HOUSE DIARY:

Correspondents  
► Matthew Cooper  
and ◀ Mike Allen  
comment weekly on  
the President, his  
agenda and his  
recently reshuffled  
inner circle at  
[time.com/whitehouse](http://time.com/whitehouse)



### THE DAILY DISH

"The abuse of Christianity by the religious right is beginning to be exposed and understood more thoroughly," wrote blogger Andrew Sullivan last week. Check him out each day at [time.com/dailydish](http://time.com/dailydish)



ILLUSTRATION BY TERRY O'CONNOR





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# 10 QUESTIONS FOR MIKHAIL GORBACHEV

History will remember Mikhail Gorbachev as the leader who brought openness (*glasnost*) and economic restructuring (*perestroika*) to the Soviet Union, ushering it toward the end of communism. In Rhode Island last week to speak at the Carnegie Abbey Club, Gorbachev, 75, sat down with TIME's Sally B. Donnelly to talk about his new book, *To Understand Perestroika*, Russia under Vladimir Putin and life after the 1999 death of his beloved wife Raisa.

## WHY DID YOU WRITE YOUR NEW BOOK ABOUT PERESTROIKA?

We think the introduction of *perestroika* in the Soviet Union [in 1985] was one of the three most significant events in Soviet history—the others are the 1917 revolution and the victory in World War II. On the 20th anniversary, we thought it important to note it and explain it. And while there has been sharp debate in Russia about *perestroika*—many people have considered it a bad thing for the country—I think people are starting to change, and polls are showing people appreciate what it did for the country. Seventy-seven percent of Russians say they want to live in a free and democratic country. That is the legacy of *perestroika*.

## WHO STILL THINKS PERESTROIKA WAS BAD FOR RUSSIA?

The old ruling class, the former communists, veterans. I understand—they have very hard lives now. Life is very difficult for some in Russia today. But I want them to think about it again.

## WHAT IS THE ROOT OF THE CURRENT DIFFICULTIES IN THE LIVES OF MANY RUSSIANS?

[Former President Boris] Yeltsin ruined the country. He allowed the wealth of the country to be taken by a few people. And the West was never critical of Yeltsin. I think President Vladimir Putin is correcting the mess that Yeltsin made.



## IS PUTIN ON THE RIGHT TRACK?

Putin is trying to move toward more social-democratic policies—to improve health care, education and the like. But just as Russia is beginning to rise again, the West doesn't accept it. America is intoxicated by its position as the world's only superpower. It wants to impose its will. But America needs to get over that. It has responsibilities as well as power. I say this as a good friend of America.

**THE U.S. SEEMS WORRIED ABOUT SOME ANTIDEMOCRATIC DEVELOPMENTS IN RUSSIA, SUCH AS KREMLIN CONTROL OF THE MEDIA.** The U.S. should be concerned about Russian domestic issues if Russians are concerned. Yes, the media are under some assault. There are some authoritarian methods being used. That is not in the interests of the people. Democracy is fragile.

**DO YOU THINK WE ARE MOVING BACK TOWARD A COLD WAR?**

I think some people may be pushing President Bush in the wrong direction. I don't think the U.S. can impose its will on others. This talk of pre-emptive strikes, of ignoring the U.N. Security Council and international legal obligations—all this is leading toward a dark night.

## IS CONDOLEEZZA RICE ONE OF THOSE PEOPLE?

Oh, I don't think so. She is a knowledgeable person, a person who knows Russia, a cultured person. She is one who is committed to political and diplomatic solutions. But she is having a difficult time. So did Colin Powell.

## HOW HAS LIFE BEEN FOR YOU SINCE THE DEATH OF YOUR WIFE RAISA IN 1999?

That is something I can speak about more calmly now, but for a while after she died, I thought there was nothing positive about life. I have learned how important family is. I spend a lot of time with my daughter Irina and my two granddaughters. They have busy lives, but we do things together like go out to restaurants.

**ARE YOU ENJOYING LIFE?** Yes, but there are some difficulties. Traveling is physically hard. And my [government] pension is only 40,000 rubles a month [about \$1,400].

## HAVE YOU PICKED UP ANY NEW HOBBIES?

I have become really interested in fitness—my daughter encouraged me. I have a gym at home with a treadmill, a bike and weights. And I really love those elastic resistance ropes. They're great. We also like to cook. I love Russian food the most, but also Italian and Mediterranean. I am more involved as the theoretical director of meals, but when they are ready, I get involved at the consumption stage too. [Laughs] Then I have to explain to people why I can't lose weight.

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# Ladies and Gentlemen, Start Your Engines



**M**ore and more, scientists tell us that the right track to a healthy lifestyle starts in the slow lane: the checkout lane of the supermarket.

Their message: a healthy diet isn't simply a matter of avoiding foods that are bad for you — it means actively seeking out foods that are good for you. Talk to your doctor about a diet that's right for you.

Research on the connection between nutrition and a healthy lifestyle has flourished. Eating the right foods in the right combinations, is an important step.

Some foods can help lower blood cholesterol, including foods rich in soluble fibers, such as cereal grains, fruits, vegetables, and legumes. And how much you eat is important, too: if you are overweight, losing just 10 percent of your current weight would be healthier.

Checking numbers, whether they're on your bathroom scale or on a physician's blood test is important. In the long run though, a healthy lifestyle also means cooking up a zestful approach to life that keeps you active, energized, and engaged.

So remember: eating right isn't the only ingredient in the recipe for a healthy lifestyle—it's also important to exercise as directed by your doctor.

**Substitute foods—  
and eat healthier**  
**Lower your intake of fat  
and cholesterol with these  
simple swaps:**

Whole milk or 2% milk  
swap for  
Skim milk or 1% low-fat milk

Sauces over vegetables  
swap for  
Raw or steamed vegetables

Fried chicken  
swap for  
Skinless chicken or turkey

Cheese or sour cream  
swap for  
Low-fat cheese or low-fat yogurt

Potato chips  
swap for  
Rice cakes or pretzels

Steak or hamburgers  
swap for  
Ground turkey (only 15% fat)

Pastries/sweets/chocolates  
swap for  
Low-fat angel food cake



Statins work  
mainly with  
the liver

Zetia<sup>®</sup>  
works in the  
digestive tract

## Looking for a Different Way to Help Lower Cholesterol?

**Then look here.** Statins, the most common cholesterol-lowering medicines, are a good option. ZETIA is different. That's because, unlike statins, which work mainly with the liver, ZETIA works in the digestive tract, where the food is. There are some other cholesterol-lowering medicines that work in the digestive tract, but ZETIA is unique in the way it helps block the absorption of cholesterol that comes from food.

A healthy diet and exercise are important, but sometimes they're not enough to get your cholesterol where it needs to be. ZETIA complements those efforts, and when added to a healthy diet, is proven to lower bad (LDL) cholesterol by as much as 30 points—about 18%\*. These are average results. Individual results may vary. You should continue to eat right and stay active. But if that's not enough, ask your doctor if ZETIA is right for you.

\*In a study, starting from an average bad cholesterol of 167 mg/dL.

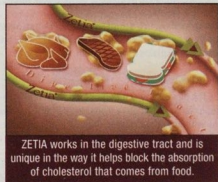
ZETIA has not been shown to prevent heart disease or heart attacks.

**Important information:** ZETIA is a prescription medicine and should not be taken by people who are allergic to any of its ingredients. If you have ever had liver problems, are nursing or pregnant or may become pregnant, a doctor will decide if ZETIA alone is right for you.

Unexplained muscle pain or weakness could be a sign of a rare but serious side effect and should be reported to your doctor right away. Common side effects included stomach pain and feeling tired.

For more information, call 1-800-98-ZETIA or visit [zetia.com](http://zetia.com).

Please read the Patient Product Information on the adjacent page.



**Zetia<sup>®</sup>**  
(ezetimibe) Tablets

A different way to help fight cholesterol



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## ZETIA® (ezetimibe) Tablets

### Patient Information about ZETIA (zèt'-ē-ä)

Generic name: ezetimibe (ë-zët'-ë-mīb)

Read this information carefully before you start taking ZETIA and each time you get more ZETIA. There may be new information. This information does not take the place of talking with your doctor about your medical condition or your treatment. If you have any questions about ZETIA, ask your doctor. Only your doctor can determine if ZETIA is right for you.

#### What is ZETIA?

ZETIA is a medicine used to lower levels of total cholesterol and LDL (bad) cholesterol in the blood. It is used for patients who cannot control their cholesterol levels by diet alone. It can be used by itself or with other medicines to treat high cholesterol. You should stay on a cholesterol-lowering diet while taking this medicine.

ZETIA works to reduce the amount of cholesterol your body absorbs. ZETIA does not help you lose weight.

For more information about cholesterol, see the "What should I know about high cholesterol?" section that follows.

#### Who should not take ZETIA?

- Do not take ZETIA if you are allergic to ezetimibe, the active ingredient in ZETIA, or to the inactive ingredients. For a list of inactive ingredients, see the "Inactive ingredients" section that follows.
- If you have active liver disease, do not take ZETIA while taking cholesterol-lowering medicines called statins.
- If you are pregnant or breast-feeding, do not take ZETIA while taking a statin.

#### What should I tell my doctor before and while taking ZETIA?

Tell your doctor about any prescription and non-prescription medicines you are taking or plan to take, including natural or herbal remedies.

Tell your doctor about all your medical conditions including allergies.

Tell your doctor if you:

- ever had liver problems. ZETIA may not be right for you.
- are pregnant or plan to become pregnant. Your doctor will decide if ZETIA is right for you.
- are breast-feeding. We do not know if ZETIA can pass to your baby through your milk. Your doctor will decide if ZETIA is right for you.
- experience unexplained muscle pain, tenderness, or weakness.

#### How should I take ZETIA?

- Take ZETIA once a day, with or without food. It may be easier to remember to take your dose if you do it at the same time every day, such as with breakfast, dinner, or at bedtime. If you also take another medicine to reduce your cholesterol, ask your doctor if you can take them at the same time.
- If you forget to take ZETIA, take it as soon as you remember. However, do not take more than one dose of ZETIA a day.
- Continue to follow a cholesterol-lowering diet while taking ZETIA. Ask your doctor if you need diet information.
- Keep taking ZETIA unless your doctor tells you to stop. It is important that you keep taking ZETIA even if you do not feel sick.

See your doctor regularly to check your cholesterol level and to check for side effects. Your doctor may do blood tests to check your liver before you start taking ZETIA with a statin and during treatment.

#### What are the possible side effects of ZETIA?

In clinical studies patients reported few side effects while taking ZETIA. These included stomach pain and feeling tired.

Very rarely, patients have experienced severe muscle problems while taking ZETIA, usually when ZETIA was added to a statin drug. If you experience unexplained muscle pain, tenderness, or weakness while taking ZETIA, contact your doctor immediately. You need to do this

promptly, because on rare occasions, these muscle problems can be serious, with muscle breakdown resulting in kidney damage.

Additionally, the following side effects have been reported in general use: allergic reactions (which may require treatment right away) including swelling of the face, lips, tongue, and/or throat that may cause difficulty in breathing or swallowing, rash, and hives; joint pain; muscle aches; alterations in some laboratory blood tests; liver problems; inflammation of the pancreas; nausea; gallstones; inflammation of the gallbladder.

Tell your doctor if you are having these or any other medical problems while on ZETIA. For a complete list of side effects, ask your doctor or pharmacist.

#### What should I know about high cholesterol?

Cholesterol is a type of fat found in your blood. Your total cholesterol is made up of LDL and HDL cholesterol.

LDL cholesterol is called "bad" cholesterol because it can build up in the wall of your arteries and form plaque. Over time, plaque build-up can cause a narrowing of the arteries. This narrowing can slow or block blood flow to your heart, brain, and other organs. High LDL cholesterol is a major cause of heart disease and stroke.

HDL cholesterol is called "good" cholesterol because it keeps the bad cholesterol from building up in the arteries.

Triglycerides also are fats found in your blood.

#### General Information about ZETIA

Medicines are sometimes prescribed for conditions that are not mentioned in patient information leaflets. Do not use ZETIA for a condition for which it was not prescribed. Do not give ZETIA to other people, even if they have the same condition you have. It may harm them.

This summarizes the most important information about ZETIA. If you would like more information, talk with your doctor. You can ask your pharmacist or doctor for information about ZETIA that is written for health professionals.

#### Inactive ingredients:

Croscarmellose sodium, lactose monohydrate, magnesium stearate, microcrystalline cellulose, povidone, and sodium lauryl sulfate.

Issued July 2005



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inspiration KINDNESS  
My life IS PERFECT, EVEN WHEN IT'S NOT  
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# Who Should Be Among This Year's Picks for the **TIME** 100?

To help make the selection, **TIME** asked earlier honorees whom they would select as the world's most influential people. This week's installment:



MUSEL WONG—COMBIS OUTLINE

## ZIYI ZHANG

*The star of **Memoirs of a Geisha** has broken down barriers for Chinese actors. I hope **Ang Lee** is on the list. Because of him, Chinese filmmaking will be better recognized by the U.S. film industry. He has made his fellow Chinese extremely proud. I would also include **Wang Yung-ching**, a Taiwanese businessman who is donating hearing implants to the children of China this year, and **Professor Han Demin**, the head of Beijing's Tongren Hospital, because of his charity fund-raising efforts.*



MARIELLA TURNER—THINK PICTURES

## WANGARI MAATHAI

*The Kenyan M.P., an environmentalist, won the Nobel Peace Prize in 2004. I propose Liberia's **Ellen Johnson-Sirleaf**, Africa's first elected female head of state. The choice is an inspiration, especially for girls, who can believe that one day they can make it. Her election lifts a cloud. I'd also select Costa Rica's President, **Oscar Arias Sánchez**, who has pursued peace in his region, and Burmese opposition leader and jailed dissident **Aung San Suu Kyi**, who is not breaking under pressure the rest of us will never have to face.*



ANATOLIO ALLEN—COLUMBIA UNIVERSITY

## JEFFREY SACHS

*Enemy of poverty, friend of Bono, he wrote the book on how to help the world's poor. I nominate biologist **Edward O. Wilson**, who has uncovered hidden laws of biology, charted the interconnections of knowledge, plumbed the sources of human nature and held a lantern aloft to warn the world of the risks of man-made environmental catastrophe. If humankind finds a way to live in peace together, in harmony with nature, he will have played a unique role in that deliverance.*



MARK ABRAHAM—MANAGEMENT+ARTISTS

## MELISSA ETHERIDGE

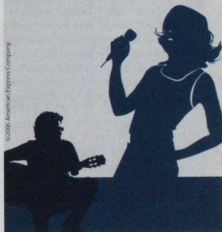
*She has won two Grammys and endless admiration for her battle against cancer. My No. 1 nomination is **Al Gore**, our nation's subconscious, who has quietly and steadily brought the most important issue—global warming—into our consciousness. I'd also include **Stephen Colbert**, for his ability to inject humor into the horrible situation the world is in. He takes what Jon Stewart has done to another level. I sleep better at night knowing that someone else thinks things are just as insane as I do.*

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# Coming Soon to the World Near You

Every year we like to lift our eyes from the toil of the present and peer further ahead, at the trends on the horizon. Our exploration this time raised a lively debate on the merits of digital moviemaking, as well as keen observations that underscored the human element of our technology-driven world

TIME'S ARTICLE ON GEORGE LUCAS AND the new digital age in moviemaking [March 20] was especially poignant for me. My father worked as a technician at Technicolor for more than 30 years and helped with the production of several Disney animated movies. Now my daughter (an avid *Star Wars* fan) is helping digitally restore the Disney films her grandfather worked on. When I was growing up, I was so proud to see the Technicolor logo on the screen. And today when I see my daughter's name in the credits, I am just as proud. I don't understand Hollywood's reluctance to go digital. Perhaps younger producers will embrace Lucas' vision.

DIANA ROBERTSON  
Laguna Niguel, Calif.

YOUR HEADLINE ASKED, "CAN THIS MAN Save the Movies? (Again?)", and I would say no. Not that Lucas isn't capable of doing almost anything with the art form, but very few people in a theater care about the process that was used to shoot the movie they're watching. They just want a good story. It is important for the talented people behind the camera to come up with better techniques, but I would suggest that they start a major hunt for some good writers who have new ideas.

HARPER PAUL WILLIAMS  
Alpharetta, Ga.

TIME'S FILM CRITIC RICHARD CORLISS said Lucas' *Star Wars: Episode III—Revenge of the Sith* was "the most popular live-action digital movie in history." It didn't win any Oscars, however, and that's because it was horrible, not because of some conspiracy against digital technology on the part of the Academy of Motion Picture Arts and Sciences. All the technical achievement in the world can't make up for a horrendously bad script.

GEORGIA MANRY  
Portland, Ore.

I UNDERSTAND LUCAS' ENTHUSIASM FOR technological advances, but I think the look of film has more aesthetic value than digital's supercrisp, ultra-clean images. I



**“In the hands of a true cinematographer, digital moviemaking exhibits all the soul, humanity and feeling of a production shot on film.”**

WILLIAM C. SIMONE  
Lebanon, Pa.

agree with writer-director M. Night Shyamalan, whom you quoted as saying, "You almost have to degrade the [digital] image to make it more real." I hope Hollywood doesn't have to choose between digital or film but can combine them to enhance the image on the screen. After all, shouldn't technology be used to serve art? The financial returns will come later.

SEAN TAYLOR  
Silver Spring, Md.

YOUR STORY SEEMED TO IMPLY THAT Hollywood's reluctance to accept high-definition video as the standard for image capture is due to nostalgia or a vague notion that film just feels more organic.

No digital camera has yet achieved the dynamic range of today's film stocks, but that will change. Digital imaging technology will surpass film quality, and that's when moviemakers will start shooting their films digitally.

JOSH SILFEN  
New York City

THOSE WHO PREFER FILM OVER DIGITAL images should awaken from their chemically induced haze! Digital is faster, cleaner, more versatile and fun to work with. In the hands of a true cinematographer, digital moviemaking exhibits all the soul, humanity and feeling of a production shot on film. None of those attributes are inherent in film alone but are rather created by the person whose eye is at the viewfinder. Would we believe for a minute that Ansel Adams was sad the day he was able to stop lugging around glass plates in favor of film?


WILLIAM C. SIMONE  
Lebanon, Pa.

MOVIES HAVE EVOLVED AND WILL KEEP doing so as technology advances. I predict that Hollywood will eventually make feature-length movies by digitally recreating long-gone movie legends. Using computer-generated imagery, animators will create fictional actors and maybe even render live movie stars a thing of the past. And on Oscar night, the red carpet will be rolled out for the computer geeks who created the stars.

PAUL DALE ROBERTS  
Elk Grove, Calif.

## Lessons for the Boss

RE "WHY YOUR BOSS MAY BEGIN SWEATING the Small Stuff" [March 20], on sensitivity training at the office: As an expert on the prevention of workplace violence, I know that managers and supervisors set the tone in the workplace. If they are arrogant, dismissive and intimidating, then one shouldn't be surprised if the employees behave likewise with one another. The result is reduced morale, high turnover, low productivity and, some-



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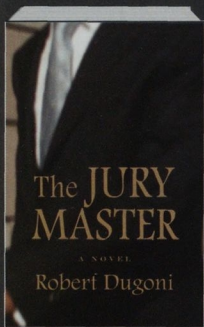
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**CLOSE, BUT NO CIGAR**

■ The March 20 story "The NASCAR of Tomorrow" referred to racer Craig Biffle. His first name is Greg.

times, threatening or violent behavior. If only managers could lead by the Golden Rule, the workplace would be a much better and safer place to be.

RICHARD SEM, PRESIDENT  
SEM SECURITY MANAGEMENT  
Trevor, Wis.

**Tethered by Technology**

ONE OF THE PARTICIPANTS IN YOUR Forum on trends of the future, "Around the Corner" [March 20], said the shower is the last bastion of contemplative solitude because it's the only place he's not hounded by electronic devices. But he has the power to turn off his BlackBerry, iPod, cell phone and any other electronic leash he wears. These so-called communication devices in many cases alienate users from the people around them. Electronic communication is not conversation. It lacks the characteristics of human interaction: the physical, mental and emotional sharing of thoughts.

TRACEY GILPIN  
Marlborough, Mass.

**Clinton in 2008?**

"CAN HILLARY JOIN THE CLUB?" [March 20] stated that Senator Clinton is "known to misread a crowd sometimes" and claimed that at a Kennedy Center benefit for AIDS last fall, "she harangued an audience already deeply engaged with the epidemic with an awkward demand that they do even more." As the event's organizer, I can tell you that about half the audience of 500 was not in any way "engaged with the epidemic." They were

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TREVOR NEILSON  
EXECUTIVE DIRECTOR, GLOBAL  
BUSINESS COALITION ON HIV/AIDS  
New York City

EVEN MY WELL-TO-DO, LIBERAL DEMOCRAT brother-in-law rejects the notion of Hillary as President and says he might vote for John McCain. Are you listening, decision-making Republicans? McCain can beat any Democrat.

MILLIE BURT  
Jersey Village, Texas

IS HILLARY TOO POLARIZING TO WIN THE presidency? Hardly—especially when compared with George ("I'm a unitar, not a divider") Bush. The Dems' middle-of-the-road candidate didn't make it last time. I say, Bring on Hillary!

ELLEN HAYES  
Colchester, Vt.

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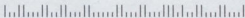
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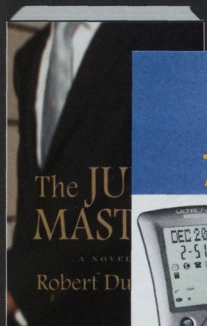
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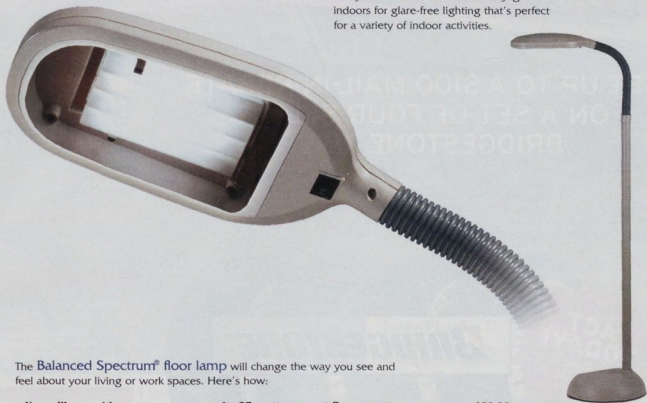
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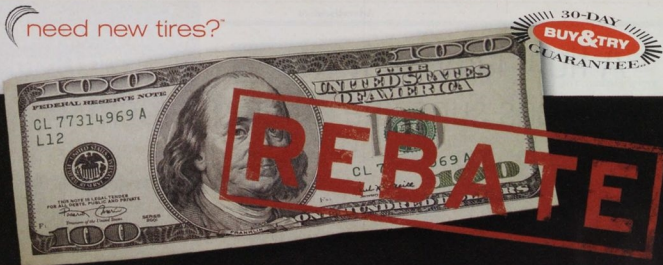
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## FORWARD IN ISRAEL?

**P**ALESTINIAN PRESIDENT Mahmoud Abbas wasn't shy about his preference in last week's Israeli election: Ariel Sharon's heir Ehud Olmert and his centrist Kadima party. Kadima did win, but barely, capturing 29 of the 120 Knesset seats. "I wish Olmert had more seats," Abbas sadly told his aides.

by videophone because Israel refused to let Hamas officials travel between the West Bank and Gaza. Israel refuses to talk with Hamas until the militants disarm and abandon their vow to destroy Israel. And Hamas leaders are incensed by one facet of Olmert's plan: if Hamas refuses to accept Israel, the Israelis will draw up permanent borders unilaterally. "Why should we recognize Israel," asks Aziz



An Israeli man casts his ballot in Jerusalem

"Now he can't give us anything." Olmert no doubt wishes he had more seats too. Kadima's victory shows that a plurality of Israelis are apparently ready to sacrifice the ancient dream of a Greater Israel—stretching from the Mediterranean Sea to the Jordan River—for peace with a Palestinian state. But with his party far from a Knesset majority, Olmert will need other parties to back his plan for "disengagement" with the Palestinians—pulling out some Jewish settlements on the West Bank and creating permanent borders.

Progress toward lasting peace may be similarly restrained by Abbas' weak position. He must wrestle with the new Hamas government, which was sworn in last week—

Dweik, Hamas' new Palestinian Assembly Speaker, "when Israel won't recognize our existence?"

In one of the most stirring sections of his election-night speech, Olmert showed whom he wanted to work with, addressing Abbas directly: "We are ready to compromise and give up parts of the land that we love, where the best of our sons and fighters are buried ... to allow you to fulfill your dream and live alongside us, in your state, in lasting peace." It was a fitting expression of hope for the leader of a party whose name is Hebrew for "forward." But after his disappointing showing, Kadima must be wondering whether it will be strong enough to live up to that name.

—By Tim McGirk. With reporting by Jamil Hamad and Aaron J. Klein



**"If I were grading, I would say we probably deserve a D or a D+ as a country."**

**DONALD RUMSFELD**, Defense Secretary, on how the U.S. is faring against terrorists' extremist ideology in the global "battle of ideas"

**"Iran is a country that is allergic to pressure and threats and intimidation."**

**JAVAD ZARIF**, Iranian ambassador to the United Nations, after the U.N. Security Council passed a resolution urging Iran to suspend its uranium-enrichment activities within 30 days or else face further action from the international community

**"You're on 105th floor. Wow. Any injuries? Just hold on one second, sir. Hold on ... Don't worry, God is there."**

**911 OPERATOR**, answering an emergency call from the World Trade Center on Sept. 11, 2001, in a partial recording—the people inside the WTC cannot be heard—released last week

**"There is only one way to reduce unemployment in France: you have to explain to the French people that they have to work harder."**

**NICOLAS SARKOZY**, French Interior Minister, on the proposed liberalization of employment law that has sparked more than two weeks of mass protests across France

**"You guys have become the Jews of the 21st century."**

**MICHAEL HOROWITZ**, senior fellow at the conservative Hudson Institute, to Evangelicals at a War on Christians conference, which focused on the impact of perceived attacks by liberals

**"A hungry man is an angry man."**

**AZIZ DWEIK**, new Speaker of the Hamas-led Palestinian Parliament, warning Israel of potential consequences from its decision to withhold the tax revenues it collects on behalf of the Palestinian Authority

**"No, I done learned my lesson. The hard way."**

**RANDAL MCCLOY JR.**, Sago Mine survivor, at a press conference before going home from a rehab center last week, on whether he would return to mining

**"I could make *Basic Instinct* 16. If guys will keep thinking I'm hot, I might turn it into a TV series."**

**SHARON STONE**, actress, at the premiere of *Basic Instinct 2*, on the possibility of expanding the nudity-filled movie franchise

## STRAINS IN THE ALLIANCE

SECRETARY OF STATE CONDOLEEZZA Rice and her British counterpart, Jack Straw, were the picture of transatlantic harmony as Rice visited Straw's constituency in Blackburn, England, last week. Their good cheer reflected the continuing official closeness of their two countries—the tightest of coalition partners three years into the war in Iraq despite the opposition of much of the rest of the world and the fact that, as Rice conceded last week, “we’ve made tactical errors, thousands of them,” in Iraq. (She later said she meant it “figuratively.”) But not everyone in the British government is smiling. A dispute over a jet fighter is threatening to drive a rare wedge between London and Washington, straining the alliance at a time when Britain and the U.S. would seem to need

each other more than ever.

The conflict was sparked by Pentagon decisions on the Joint Strike Fighter (JSF), a state-of-the-art aircraft being built by a

allow the British access to the most sophisticated technologies on the JSF, and further insulted the British when it

unilaterally decided that it would no longer need an engine for the plane that was to be built in part by Britain's Rolls-Royce. In response, Paul Drayson, Britain's Minister for Defense Procurement, blasted the U.S. in testimony before the Senate Armed Services Committee last month and threatened to pull Britain out of the JSF program. “We expect... to be properly consulted on decisions of this magnitude,” he said.



Rice and Straw were all smiles last week, but the JSF, above right, is causing frowns

consortium of nations led by the U.S. and Britain. Britain has invested \$2 billion in the plane's development. But the Department of Defense has refused to

A U.S. official says the Pentagon has concerns about sharing the high-end security software needed for the JSF with companies abroad. “If we could give the codes to the British government and not to a British company, that would



be one thing,” he says. But such arguments only reinforce the rising doubts in the minds of some British officials about the solidity of the underlying Britain-U.S. alliance. “We’ve long had troubles with Washington not considering us a full, trustworthy partner,” says a British government source. “The JSF is only the most potent symbol.”

British Defense Secretary John Reid, who is scheduled to visit Washington next week, is expected to raise the issue once again. The British, though, aren't hopeful that he will have much success. It's unclear how far London might be willing to go to show its displeasure. Blair has yet to complain to Bush in their weekly videoconferences. But a British official says, “We’re just about fed up.” —By Sally B. Donnelly. With reporting by J.F.O. McAllister and Elaine Shannon



### UPDATE

#### ABDUL RAHMAN

Facing heavy international pressure, Afghan President Hamid Karzai's government brokered the release of Abdul Rahman, who, under Afghanistan's Shari'a law, had faced the death penalty for converting to Christianity. Two days later, Rahman was spirited to Italy, which granted him asylum. On his arrival, he gave a brief TV interview, thanking the Italian government and Pope Benedict XVI for helping save his life and win his release. But alive doesn't mean totally free. Afghan clerics have denounced Italy and continue to call for Rahman's death, so he will stay under tight police protection in an undisclosed location for the foreseeable future. An Interior Ministry official in Rome tells TIME, “He is a man still very much in peril.” —By Jeff Leavelle

## SPEED READ

### REFORM

## Lobbying Limits?

On the day last week that lobbyist Jack Abramoff was sentenced to prison for fraud, the Senate passed a new ethics bill. The House will take up the issue next. Here's a look at reforms Congress seems willing to accept:



#### What does the Senate bill do?

It bars lobbyists from buying gifts and meals for legislators, but it leaves a big loophole: firms and organizations represented by those lobbyists may still dole out freebies. Privately funded trips would still be allowed if lawmakers get prior approval from the ethics committee. The bill would bar retiring legislators and senior aides from lobbying Congress for two years. It would also require lobbyists to file more frequent, more detailed reports on their activities, which would be posted on the Net.

#### What about the House version?

That bill, which may come to a vote this month, contains similar disclosure requirements. But it would not limit meals or gifts—and would ban privately funded travel for just this year. **What else is missing from the two bills?** Proposed but nixed: curbs on the millions of dollars that lobbyists funnel to campaigns and an independent in-house investigator to enforce the rules. **How would the bills affect lobbying on Capitol Hill?** The Senate bill, claims cosponsor

Christopher Dodd, Democrat of Connecticut, would effectively put a NOT FOR SALE sign in front of the Capitol. But it is so weak that some reformers—including Republican John McCain and Democrat Russell Feingold—voted no. Both bills, says Fred Wertheimer, head of the nonpartisan Democracy 21 watchdog group, “leave lobbyists free to function in Congress exactly the way they have been functioning.” —By Douglas Waller



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# TAKE THAT!

**T**HAT'S SICILIAN!" SUPREME COURT Justice Antonin Scalia explained, after making a rude hand gesture last week when asked what he'd say to critics who question his impartiality. Here's a look at four other memorable moments in the long, colorful history of the political insult. —By Julie Norwell

BILDAACHY PRESS/RESCUE  
MULTIBUS/RESCUE



## ◀ EYES ON THE PRIZE

King Agamemnon disses Achilles by stealing his war prize, the beautiful woman Briseis. So the warrior laid down his sword, giving Troy a boost in its epic battle with the Greeks.



## ▲ LADY'S MAN

When Lady Nancy Astor—the first woman member of Britain's House of Commons—told Winston Churchill during a fierce debate, "If I were married to you, I'd put poison in your coffee." Churchill replied, "If you were my wife, I'd drink it."

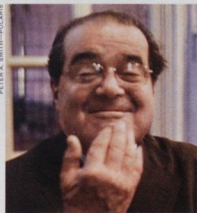


## ▶ VEEP'S VITRIOL

In 2004, Vice President Dick Cheney told Senator Patrick Leahy to "go f\_\_\_ yourself" after the Democrat criticized Halliburton, which Cheney once ran.



▼ SHE SANK HIS SHIP Spain's Philip II didn't impress England's Elizabeth I, who said she couldn't "fear a man who took 10 years a-learning of his alphabet." Her ships humiliated his armada in 1588.



PETER A. SMITH—POLARIS

# REAL AMERICAN HEROES—SIX INCHES TALL

**F**aced by a dwindling number of volunteers, the U.S. military is adding a new recruitment tactic: aiming young. Real Heroes, a line of Army-authorized toy soldiers modeled on Iraq and Afghanistan war veterans, is expected in stores this June, selling for



The video game *America's Army*, above, will soon be joined by four Real Heroes, left

\$12.99 each. The first four 6-in.-tall dolls—offshoots of a Pentagon-backed video game called *America's Army*—are based on four real soldiers, all still serving, who have recently earned Bronze or Silver Stars. "We wanted folks who look close enough in age and background to what we call the prime market: potential soldiers," says Colonel Casey Wardynski, who is overseeing the *America's Army* project, bud-

geted at \$50 million, including \$3 million earmarked for merchandising.

The military hopes consumers will respond as well to the action figures as they have to the video game, which is available online and boasts more than 6 million registered

players. An Xbox version of the game is expected in April, followed by one for PlayStation 2 in May and for cell phones this summer. *America's Army* TV specials, comic books and trading cards are also being considered. "We don't expect young people to join the Army because of a toy, but we want to get in their decision space—and for that, you have to be in pop culture," Wardynski says.

Though the Pentagon can't say what effect *America's Army* has had on recruitment or how Real Heroes might do, here's an outcome they might not have foreseen: an action-figure civil war, once G.I. Joe realizes there are some new American heroes muscling in on his turf. —By Jeffrey Rensner

## P.C. PALM SUNDAY

More than 300 million palm fronds are harvested each year from Central American rain forests for the U.S. market—many for Palm Sunday, when Christians commemorate Jesus' entry into Jerusalem five days before his Crucifixion. This Sunday, 281 churches in 34 states will mark the occasion with "eco-palms." Cooperatives in Mexico and Guatemala have agreed to harvest sustainably, taking only a few fronds per plant. Churches pay premium prices, helping the workers who collect the fronds. "We must be good to our neighbors," says Pastor Glenn Berg-Moberg of St. Anthony Park Lutheran Church in St. Paul, Minn. "Even ones we will never meet." —By Margot Roosevelt



Eco-palms sustain the rain forests

LEFT: PHOTOFEST; RIGHT: GETTY IMAGES

## NUMBERS

**\$853.7 billion** China's foreign-currency reserves, which surpassed Japan's as the world's largest

**\$202 billion** China's 2005 trade surplus with the U.S., a record high that is partly fueled by Beijing's booming reserves



**259** Katrina-damaged school buses that New Orleans hopes to sell on eBay to raise money for its public-school system. Bids on one hit \$5,500 within 29 hours

**23** Public schools in Orleans Parish—out of 117, pre-Katrina—that have reopened



**5** Contestants, of 6 million in three major pools, who correctly chose the Final Four in the NCAA basketball tournament

**26** Years since the Final Four last had no top-seeded teams

**8.1%** Government-mandated improvement in fuel efficiency for new SUVs from 2008 to '11

**10.7 billion gal.** Expected total fuel savings over the life of vehicles in those model years—less than the U.S. now uses in one month

Sources: New York Times; www.census.gov; AP (2); New York Times (2); Department of Transportation (2)

CAN—OTTAWA CITIZEN/AGENCE FRANCE PRESSE



MIKE LUCKWICH—ATLANTA JOURNAL CONSTITUTION



**“Former Disney chairman Michael Eisner’s talk show debuted on CNBC the other night. It got a zero rating. The show is called *Conversations with Michael Eisner*. Apparently it was a private conversation.”**

—JAY LENO



**“In Tennessee, the state prison system has banned large jars of peanut butter because inmates were hiding drugs in the jars. Which explains why prison peanut butter now comes in creamy, chunky and ecstasy.”**

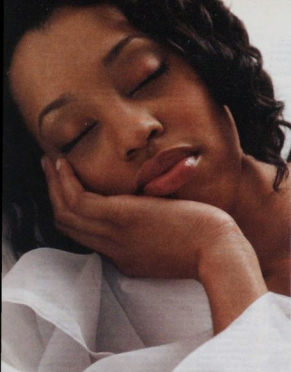
—CONAN O'BRIEN

**“Today, in parts of the world, there was a total eclipse of the sun. President Bush said the total eclipse of the sun proves the unreliability of solar power.”**

—DAVID LETTERMAN

For more political humor, visit [time.com/cartoons](http://time.com/cartoons)





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# NOTEBOOK

## MILESTONES

SCOTT PETERSON/ABC; CHRISTIAN SCIENCE MONITOR/AP



**RELEASED. JILL CARROLL,** 28, U.S. journalist abducted in January by Iraqi gunmen who threatened to kill her if their demand—that all female detainees in Iraq be freed—was not met; after 82 days in captivity; in Baghdad.

**RECUPERATING. CHARLIE ROSE,** 64, anchor of PBS's highly acclaimed *Charlie Rose* show; after heart surgery to repair a valve; in Paris. Rose, who had felt short of breath while in Syria to interview President Bashar Assad, hopes to be back on air in several weeks.

**PLEADED GUILTY. TONY RUDY,** 39, former deputy chief of staff to Representative Tom DeLay; to conspiring with Jack Abramoff in a lobbying-fraud scheme while Rudy worked for DeLay and after he left to become a lobbyist; as part of a deal in which he agreed to cooperate with a federal investigation.

was allowed to remain free to assist the investigation into the congressional lobbying scandal.

**DIED. EUGENE LANDY,** 71, psychologist-guru who treated the depressed, drug-addled Beach Boys leader Brian Wilson with a controversial round-the-clock form of therapy that spurred the musician's comeback in the early '80s; in Honolulu. In 1989 Landy surrendered his license for two years after a state board found him grossly negligent for conduct including improperly prescribing drugs for Wilson. After the settlement of a suit against him by Wilson's family, Landy was barred from contacting the rocker, who often insisted that Landy "saved my life."

**▼ DIED. DAN CURTIS,** 78, TV producer; in Los Angeles. In the early 1960s, Curtis pitched a campy soap set on a desolate Maine estate and



**DIED. LYN NOFZIGER,** 81, irascible, savvy longtime aide to Ronald Reagan; of cancer; in Falls Church, Va. As head of communications for Reagan's successful 1980 White House bid, Nofziger endeared himself to the press with his candor, rumpled look and Mickey Mouse tie. The former newspaperman, who began advising Reagan in 1965, retired as a White House aide in 1982, but not before filling in memorably for press secretary James Brady after Reagan and Brady were shot by John Hinckley in 1981, delivering to reporters the President's quip "Honey, I forgot to duck."

**◀ DIED. STANISLAW LEM,** 84, Polish writer of ruminative science-fiction classics, most famously *Solaris*, a metaphysical-psychological tale that spawned a 1972 film and a 2002 remake starring George Clooney; in Krakow, Poland. Lem, who battled communist-era censors—and tweaked them in novels like *The Futurological Congress*—wrote more than 50 books that were translated into 40 languages and sold 27 million copies worldwide.

**► DIED. CINDY WALKER,** 87, Hall of Fame country tunesmith whose hits for performers from Bing Crosby to the Byrds—including *You Don't Know Me* and *In the Misty Moonlight*—made the pop or country charts some 400 times; in Mexico, Texas. She drew unequalled praise from peers (Dolly Parton said Walker had "never written a bad song"); Willie Nelson last month released his CD of her songs; song-writing legend Harlan Howard called her the "greatest living songwriter of country music"; and she had Top 10 hits in every decade from the '40s to the '80s.



**▲ DIED. CASPAR WEINBERGER,** 88, wry, intellectual veteran public servant whose long record of toil in the White Houses of Presidents Nixon, Ford and Reagan was marred by a late, rare blemish: a 1992 indictment for allegedly covering up facts in the Iran-*contra* scandal, which he vigorously denied and for which he was pardoned; in Bangor, Maine. As Defense Secretary under Reagan, the anti-Soviet hard-liner presided over a \$2 trillion peacetime military buildup—the biggest in U.S. history—and backed Reagan's controversial, never implemented Strategic Defense Initiative, or Star Wars. After finding himself at odds with Reagan's arms-control negotiations with Mikhail Gorbachev, Weinberger retired in 1987. Yet despite his reputation as a dedicated hawk, he opposed excessive military intervention. "I did not arm to attack," he said of his cold war efforts, "[but] to make war less likely."

AP/WIDEWORLD



**SENTENCED. JACK ABRAMOFF,** 47, Washington lobbyist who pleaded guilty to offering bribes to members of Congress; to five years and 10 months in jail, in a separate fraud case; for using a fake \$23 million wire transfer—intended to prove a down payment had been made—to qualify for a loan to buy a fleet of gambling ships; in Miami. Abramoff

centered on a vampire and other gothic creatures. It became the cult hit *Dark Shadows*, which ran on ABC from 1966 to '71. Later he produced and directed two of the best-rated miniseries in history: *The Winds of War* and its sequel, *War and Remembrance*—starring Robert Mitchum, above with Curtis—for which he won an Emmy.

STANISLAW LEM: EAST WENTWORTH; WALKER: COUNTRY MUSIC HALL OF FAME





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*The Wall Street Journal*,  
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Joe Klein

# Prognosis Looks Grim, Doc

**T**HERE ARE, I SUPPOSE, POLITICIANS WHO HAVE HAD MORE dreadful years than Bill Frist, the Tennessee Republican who serves as Senate majority leader. Bill Clinton had his season of Lewinsky. Richard Nixon had Watergate. But rarely has a major politician endured such a spell of relentless day-to-day ugly. Frist, once esteemed as a citizen-politician, a heart- and lung-transplant surgeon who spent part of each year donating his services in the most desperate parts of Africa, has transformed himself into

the ultimate political opportunist. His moves—like last week's ludicrous attempt to hijack the Senate's immigration debate and move it in a punitive, populist direction—have been so clunky that he has lost the respect of his colleagues, especially Republicans. (The Democrats are thrilled by his ineptitude.) "I hear he was a pretty good surgeon," a Republican Senator said last week when I asked how Frist had been as majority leader.

Why would a man universally described as kind and intelligent suddenly start acting like a dodo? Presidential ambition, of course. Frist's descent began a year ago, when he destroyed his reputation for medical probity by announcing, on the Senate floor, that he had seen the videotapes of Terri Schiavo, "and from my standpoint as a physician, I would be very careful before I would come to the floor and say this... Based on the footage provided me... she does respond." This was utter nonsense, as subsequent autopsies of Schiavo's brain proved. "He didn't have to go that far," another Republican Senator told me. "He simply could have opposed pulling the plug on Schiavo."

A series of terrible leadership moves have ensued. There was Frist's effort to deploy the "nuclear option"—that is, to perform radical surgery on the Senate's filibuster rules in order to allow votes on President Bush's more extreme judicial appointments. But the nuclear option was thwarted when 14 Senate moderates cut a deal to keep the rules and allow votes on some of the appointees. "We saved him on that," said a G.O.P. staff member involved in the negotiations. "Frist never had



Frist's presidential ambitions led him away from wiser paths

the votes he needed for the nuclear option."

More recently, Frist has embarrassed himself on the Dubai Ports deal. He was one of the first Republicans to oppose the deal—his opposition made it safe for the rest of the party to buck President Bush—but he immediately retreated after a White House briefing. "As I've gotten more information, I have a greater comfort level," he said. Translation: I shot my mouth off before I knew anything because I wanted to thrill the G.O.P. base.

And now there is immigration. "He forced us to rush a bill," said a Republican member of the Judiciary Committee. "Then he didn't like what we produced"—Frist spent a few days opposing any bill that would include a process to make illegal immigrants legal—"and so he filed his own bill, which is dead on delivery. He's not even part of the real negotiations at this point. It's pretty sad."

Frist will leave the Senate at the end of the year and start his presidential campaign. "He'll disappear," said a Republican consult-

ant. "He's not built for heavy weather. He's just not an instinctive politician. And when you're a light candidate, every maneuver seems naked and tactical. With Frist, it's been college Republican sort of stuff."


In fairness, Frist can deploy some tepid excuses for his behavior: he's new at this game. President Bush drafted him to be majority leader even though Frist had been in the Senate for little more than one term.

Others don't have such excuses. The early stages of the 2008 presidential campaign have been marked by a low-road stampede—even among heavyweight candidates who should know better, like Senators John McCain and Hillary Clinton.

One of the pillars of McCain's reputation for fierce independence has been his insistence on fiscal responsibility, his opposition to the Bush tax cuts. But he recently voted to extend some of those same Bush cuts in capital gains and dividend-income rates. "I've never voted for a tax increase, and that would have been one," he told me last week. Oh, please. It was a vote, in essence, to restore tax rates McCain had previously favored,

and he blinked. Clinton diminished herself on the Dubai Ports deal when she said, "Our port security is too important to place in the hands of foreign governments." As Clinton well knows, the responsibility for port security rests with the U.S. government. The deal was about managing the ports, not securing them. Her husband was never so blatantly misleading... on a matter of public policy.

Both McCain and Clinton have taken courageous positions on important issues, especially the war in Iraq, which makes their cheesy calculations all the more glaring. The public has come to know, and hate, the poll-driven games that politicians play. The litmus test in 2008, I suspect, will be, Which candidate is willing to tell me something—anything—that resembles the truth? The John McCain of 2000 was. The question is, Who's going to be the John McCain of 2008? ■

 To see a collection of Klein's recent columns, visit [time.com/klein](http://time.com/klein)

## SPECIAL REPORT IMMIGRATION

By KAREN TUMULTY

**Y**OU WOULDN'T THINK THE MAN WHO MADE HIS mark in Washington as the knight-errant of campaign-finance reform and whose name is rarely written without the word maverick attached would ever meet a cause he deemed hopeless. But that was pretty much where Arizona Senator John McCain was a couple of weeks ago in his quest to transform the nation's immigration laws and set on the path to becoming citizens the estimated 11 million people who are here illegally. When the proposition had been tested, as recently as December in the House of Representatives, the result was a bill that went just about as far as possible in the other direction, one that would build two layers of reinforced fence along much of the 2,000-mile border with Mexico and declare everyone a felon who is illegally on this side of it. But then, as the implications of that bill started to sink in, protesters began pouring into the streets of cities from Los Angeles to Philadelphia to vent their outrage. They were illegal immigrants, and their American-citizen children emerging from behind their shield of invisibility, plus legions of voters who count the newcomers as family, friends and neighbors, in numbers "bigger than the Vietnam War demonstrations," McCain says. "I never could have predicted that we would have 20,000 people in Arizona or half to three-quarters of a million in Los Angeles." Something almost as remarkable started to happen inside the Capitol. One by one, Senate colleagues started coming to him privately whom McCain had written off as "rock-ribbed" opponents to the legalization that he and



# SHOULD THEY STAY OR SHOULD THEY

As the divisive national debate on immigration heats up—security, identity and wealth all at issue—every side can agree on just one thing: the system is broken

A man, Jaime Hernandez, is shown from the chest up, looking upwards and to the left with a hopeful expression. He is wearing a dark leather jacket over a green shirt. He is holding a large American flag behind his back with both arms, the flag's stars and stripes clearly visible. The background is a clear blue sky.

# GO?

Jaime Hernandez, a Salvadoran on track to become a U.S. citizen, rallies in Boston in support of fellow immigrants

STEVEN SODER—AP

# TIME



Democratic Senator Edward Kennedy had been working on for a year. There were maybe 10 of them, McCain says, all asking the same questions: "Isn't there a compromise on this? Isn't there some way to come together on this?"

Then came something that McCain had even less reason to expect. With hundreds on the Capitol Plaza chanting "Let our people stay!" the Senate Judiciary Committee last week gave its imprimatur to legislation very much like the Kennedy-McCain immigration bill and sent it on to the Senate floor, where it stands a good chance of passing.

But the demonstrators were also sparking other reactions, especially after they ignored the pleas of rally organizers to wave only

"If you are here illegally and you want to fly the Mexican flag, go to Mexico."

For nearly as long as the U.S. has been a country, the question of who gets to be an American has stirred our passions and conflicted our values as few others have. In 1886, the same year that the Statue of Liberty was dedicated in New York harbor to the ideal of taking in the tired, the poor and the huddled masses yearning to breathe free, racist mobs rioted in Seattle and forced more than half the city's 350 Chinese onto a ship bound for San Francisco. That two chambers of Congress, both run by the same political party, should appear to be headed in such different directions on immigration tells you that the country is no less conflicted about the issue today. But

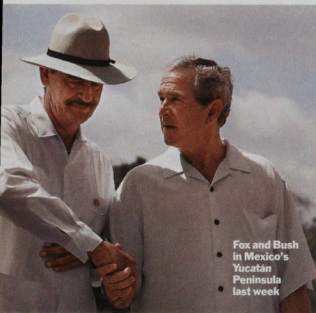
the fact that for the first time in 20 years, lawmakers are even considering major legislation to do something about immigration shows there is one thing about which everyone can agree when it comes to the current system: it's broken.

The immigration overhaul in 1986 was supposed to have fixed the root problem of an uncontrolled influx by making it illegal for U.S. employers to hire undocumented workers and offering an amnesty to illegal immigrants who had been here for five years at that point. Instead, the best estimates suggest that since then, the number of illegal immigrants has more than tripled. Local governments are staggering under the costs of dealing

with the inflow, and since 9/11, controlling who comes into the country has become a security issue as well.

The kind of comprehensive immigration reform being discussed by the Senate carries the potential of transforming the politics of the country by making citizens—and therefore voters—of millions of mostly Hispanic residents in relatively short order. Says McCain: "This legislation is a defining moment in the history of the United States of America."

And possibly in the history of the Republican Party, which helps explain why the politics of immigration is becoming so tricky for the G.O.P. The business interests in the party base don't want to disrupt a steady supply of cheap labor for the agriculture, construction, hotel and restaurant industries, among others. That's why business lobbyists broke into applause and embraced in the Dirksen office building as the Senate Judiciary Committee voted 12 to 6 to send its bill to the Senate floor,



Fox and Bush in Mexico's Yucatán Peninsula last week

American flags. There was the scene in Apache Junction, Ariz., in which a few Hispanic students raised a Mexican flag over their high school and another group took it down and burned it. In Houston the principal at Reagan High School was reprimanded for raising a Mexican flag below the U.S. and Texas ones, in solidarity with his largely Hispanic student body. Tom Tancredo, the Republican from Colorado who has become Congress's loudest anti-immigrant voice, said his congressional offices in Colorado and Washington were swamped by more than 1,000 phone calls, nearly all from people furious about the protests in which demonstrators "were blatantly stating their illegal presence in the country and waving Mexican flags." Mississippi Senator Trent Lott, describing the marchers, used language usually applied to the tantrums of children: "When they act out like that, they lose me." Virgil Goode, a Republican Congressman from Virginia, said,

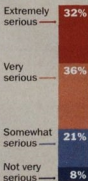


## TIME POLL

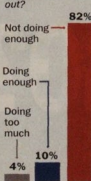
## LET THEM STAY, BUT GET TOUGH

While a majority of Americans want to crack down on illegal immigration, they also strongly favor guest-worker programs and temporary visas

How serious a problem is illegal immigration into the U.S.?



Is the U.S. doing enough along its borders to keep illegal immigrants out?



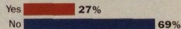


#### DIRTY WORK

Laborers debone chicken in an Arkansas plant where 70% of the employees are illegal immigrants

Should illegal immigrants be allowed to ...

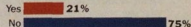
... obtain driver's licenses?



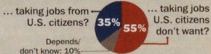
... attend public schools?



... obtain government services such as health care or food stamps?



Do you think people who are here illegally are...

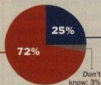


What if the U.S. deported all illegal immigrants and toughened security to stop them from entering the country? Do you think the U.S. would be better off?



Which comes closest to your view?

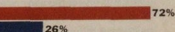
Allow illegal immigrants to get temporary work visas so the government can track them, and allow them to earn permanent residence after six years if they learn English, pay a fine, pay any back taxes and have no criminal record



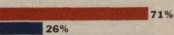
Make illegal immigration a crime and not allow anyone who entered the country illegally to stay in the U.S. under any circumstances

Would you favor or oppose ...

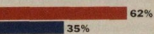
... granting temporary visas to immigrants not in the U.S. so they can do seasonal or temporary work here and then return to their countries?



... mandating major penalties for employers convicted of hiring illegal immigrants and strongly adhering to them?



... stopping illegal immigrants from entering the U.S. by taking whatever steps are necessary to guard the border with Mexico, including using U.S. military forces?

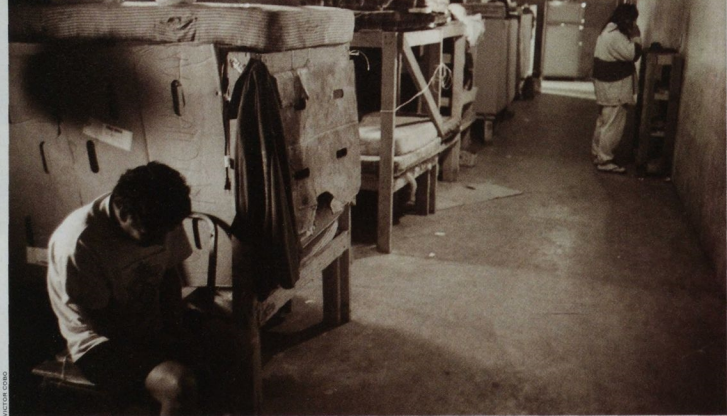


... building a security fence along the 2,000-mile U.S.-Mexico border?



... deporting all illegal immigrants back to their countries?





VICTOR CORNO

#### BLEAK HOUSE

**Illegal Mexican workers hired by a southeastern Arkansas outfit to plant trees share a makeshift dormitory**

with four of the committee's 10 Republicans joining all its Democrats in favor. So doubtful had been the outcome that there were gasps in the hearing room when Republican chairman Arlen Specter cast the final vote for it himself, giving the legislation extra momentum as it heads to the floor. But those same business interests had lost badly in the House, where social conservatives argued that illegal immigration has begun an uncontrolled demographic and cultural transformation of the country, threatening its values.

Where the President stands on the issue is likely to be a deciding factor. Immigration policy was one of the ways in which George W. Bush defined himself in his 2000 campaign as a different kind of Republican, a Texas Governor who believed that "family values don't stop at the Rio Grande." Once he got to the White House, he infuriated some social conservatives by proposing—and appearing to be serious about—an immigration plan that included a guest-worker program. It was an idea he shelved after 9/11, then put forward again as the first policy initiative of his 2004 re-election campaign. But in a private White House meeting with congressional leaders last year, Bush confessed that he had misjudged the politics of the issue and agreed to recalibrate, putting more emphasis on

#### THE PROPOSALS

### THE HOUSE CRACKDOWN

Submitted by the Wisconsin Republican and 35 co-sponsors, the bill passed in the House in December. Focused exclusively on security and enforcement, it has sparked protests nationwide.



F. James Sensenbrenner

The bill treats an illegal alien's mere presence in the country—currently only a civil violation—as a **felony** punishable by a year and a day in jail and establishes mandatory minimum sentences for repeat offenders. Its sweeping language would make giving even humanitarian assistance to an illegal immigrant a crime punishable by up to five years in prison. Fines for an employer who hires illegal immigrants, which now range from \$250 to \$10,000 per violation, depending on the employer's previous conduct, would be increased to **\$5,000 to \$25,000**. Criminal penalties for repeat offenders could include a minimum of a year in jail, up from a maximum of six months. Among the border enhancements: a 700-mile double fence along part of the 2,000-mile frontier with Mexico.

### A MIDDLE-GROUND OPTION

Arizona Republican Kyl last year co-sponsored with Senator John Cornyn of Texas a bill that sought a compromise between the harsh penalties of the Sensenbrenner plan and the more lenient Senate proposals.



Jon Kyl

The bill provides for a guest-worker program but requires illegal immigrants to leave the U.S. before they apply for it. They must leave within five years; delaying departure cuts into their future U.S. stay. Those and any new immigrant laborers can apply for a **two-year visa** that can be renewed twice, with a one-year gap between renewals that must be spent outside the U.S. and a lifetime cap of six years. The visa offers no special path to permanent residency or citizenship. The bill **doubles** existing civil penalties for employers who hire illegal immigrants and authorizes the addition of 10,000 agents over five years to investigate businesses for violations of immigration law and 1,000 agents to look for fraud in visa applications. To improve policing on the borders, it increases agents and enhances surveillance technology, among other things.

➡ MORE CLOSED





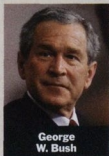
SHANTIA APPELTON/ALAMY

#### GETTING DOCUMENTED

**A Mexican citizen applying for a work visa has his fingerprints checked at the U.S. embassy in Mexico City**

## THE PRESIDENT'S BLUEPRINT

In his earliest days in the White House, Bush made establishing a guest-worker program a priority. The aftermath of 9/11 distracted him from the goal, but he has again turned his attention to it.



**George W. Bush**

BROOKS BAKER—COMES FROM TIME

The President has proposed that illegal immigrants be permitted to stay in the U.S. and apply for a three-year temporary work visa that could be renewed once. Their incentive to leave after six years would come in the form of tax-preferred savings accounts set up in their country of origin. Bush has stressed that because he does not believe illegal acts should be rewarded, the visas would provide **no "automatic" path** to permanent residency and citizenship. But, as he told Mexican President Vicente Fox last week, guest workers can "get in line," like all other applicants. Bush has promised that laws against hiring illegal aliens would be more stringently enforced. And bowing to the need to win over hard-liners in his party, he has called for more resources to guard the borders against those who cross illegally.

## THE GRAND REFORM

Large portions of a bill introduced by Senators Edward Kennedy and John McCain last year were incorporated into this one, now named for Senate Judiciary Committee chairman Arlen Specter.



**Arlen Specter**

KEVIN KRETZSCH—AP/WIDEWORLD

The bill would permit illegal immigrants who were in the U.S. before Jan. 7, 2004, to apply for a **three-year guest-worker visa**, which could be renewed once if they paid a \$1,000 fine and passed a background check. After six years, if they demonstrated English proficiency and paid another \$1,000 fine and back taxes, they could apply for permanent residency, the first step toward citizenship. Laborers abroad could apply for the same visa, which in their case would be capped at 400,000 annually; at least 87,000 of those workers would be eligible to apply for green cards each year. The bill would also authorize work permits for **1.5 million** farm laborers over five years. They too could apply for residency. Civil sanctions for hiring illegal immigrants are similar to those in Kyl's bill. The bill would step up investigations of employers and border enforcement. —By Umesh Kher

**MORE OPEN**

border security. The President has insisted, though, that he wants reform that includes both enhanced border enforcement and provisions for guest workers. His ideas, which focus on giving migrant laborers temporary visas, have never gone as far as the McCain-Kennedy proposal of offering citizenship to illegal immigrants and some future guest workers. Last week, as Bush met in Mexico with President Vicente Fox, he said, "We want them coming in in an orderly way." He added, "And if they want to become a citizen, they can get in line, but not the head of the line."

In Bush's closed meeting with Fox, a senior Administration official says, the U.S. President told the Mexican one that there is an "unsettling" undercurrent of isolationist and protectionist attitudes in the U.S. "It's an emotional issue," Bush told Fox but predicted, "I think we will get something" out of Congress on immigration. The two talked nuts and bolts of legislative strategy, with Bush saying the plan is to get a comprehensive immigration bill from the Senate, then add some of those elements to the House's security bill when the two versions reach a conference committee. A White House official told TIME that once the bill reaches a conference committee, Bush will weigh in more heavily on the specifics that he wants in the final law.

Bush is keen to preserve for Republicans the gains that he is credited with having made among culturally conservative but traditionally Democratic Hispanics, who gave him 40% of their vote in 2004 and are believed to have been crucial to his re-election. Hispanics account for about half the population increase in the U.S. Florida Senator Mel Martinez, a Republican, warned his party last week that it risks losing ground with "individuals who share our values on so many different issues." Former Republican Party chairman Ed Gillespie, a close adviser to the White House, said, "The Republican majority already rests too heavily on white voters, and current demographic voting percentages will not allow us to hold our majority in the future."

There is also a far more immediate reason for congressional Republicans to find some way to bridge their divide on immigration: they are short on tangible accomplishments in this midterm-election year. A law that would address the immigration mess would give them something to brag about as voters get ready to go to the polls. "We need to have a [presidential] signing ceremony on the border before the fall," says one of the G.O.P.'s top strategists. "We need to get it done."

A TIME poll conducted last week suggests broad support for a policy makeover. Of those surveyed, 82% said they believe the government is not doing enough to keep illegal immigrants out of the country, and a large majority (75%) would deny them government services such as health care and food stamps. Half (51%) said children who are here illegally shouldn't be allowed to attend public schools. But only 1 in 4 would support making it a felony to be in the U.S. illegally, as the House voted to do when it approved the tough enforcement bill submitted by Wisconsin Republican F. James Sensenbrenner. Rather than expel illegal immigrants from the country, more than three-quarters of those polled (78%) favored allowing citizenship for those who are already here, if they have a job, demonstrate proficiency in English and pay their taxes.

Some House Republicans are starting to feel pressure at home over their hard-line stance. In Reading, Pa., a Hispanic lawyer named Angel Figueroa arranged a meeting last month for his Congressman Jim Gerlach—who faces a tight race this fall—and voters in his district who oppose the House bill, which Gerlach supported. The meeting included not only immigrant-advocacy groups but also the president of the local community college, the head of a federally funded labor-training-and-placement company, the personnel director of a mushroom-growing company and a local Catholic priest. After lis-

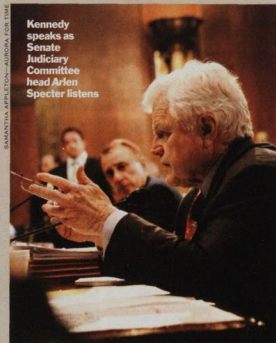
## THE PLAYMAKER

## How Kennedy Got His Way

**T**ed Kennedy hasn't won yet, but he's closing in. Last week the Massachusetts Senator gained support from Republican fence sitters, steamrolled adversaries and—to the surprise of everyone in Washington—steered to the Senate floor a bill that would make citizens of millions of illegal immigrants. His last battle to make it law is with hard-line Republicans in the Senate and House of Representatives, and Kennedy, 74, is focused on

Senate was a 1965 immigration bill that replaced country quotas favoring West Europeans with a policy based on family ties and skills. After efforts at reform in 1986, 1990 and 2001, Kennedy saw his latest chance when Bush, at the start of his second term, expressed interest in revolutionizing immigration policy. Before the 2004 election, Kennedy and Republican Senator John McCain agreed to combine competing bills, and last May they came to terms that included a path to citizenship for most illegal immigrants.

Kennedy spent the next 10 months building support. In the end, two Senators proved crucial: Democrat Dianne Feinstein of California and Republican Sam Brownback of Kansas. Both faced immigrant-hostile constituents but also pressure from the agriculture industry to legalize a huge portion of its workforce. Three days before the Senate Judiciary Committee voted on a modified version of the Kennedy-McCain bill, Kennedy's and Feinstein's staffs worked out a path to citizenship for illegal agricultural workers, a deal that would pave the way for unlawful



SARANTHA APPELTON/AGORA FOR TIME

Kennedy speaks as Senate Judiciary Committee head Arlen Specter listens

gaining the sole ally who can win that fight. "There's one negotiation left, and only one," he said, sitting on a windowsill in a back hallway at the base of the Capitol dome. "The President."

With attention on the ruckus within the G.O.P. over immigration, it was easy to lose sight of the Democrat who has emerged as a playmaker on the issue. Kennedy's Senate rivals acknowledge that he outmaneuvered them. "He had the votes," concedes John Cornyn of Texas, a key opponent. Realizing the state of play, President George W. Bush reached out, pulling Kennedy aside last week after a meeting on education, the issue that inspired their first collaboration, in 2001. "He said, 'We want to try and work this out,'" says Kennedy.

Kennedy's first major success in the

immigrants working other jobs. Where Bush will come down is unknown. The President has supported a guest-worker plan but has not fully embraced the idea of making illegal immigrants citizens. "We're not exactly there together, but we've spoken about it," Kennedy says. Will negotiations be made tougher because their last major collaboration—No Child Left Behind—has proved a major disappointment to Kennedy? For this bill, Kennedy delivered Democratic votes in exchange for a promise of funding for education that he feels was not delivered. Kennedy aides say history won't get in the way of this deal. To defeat House opponents, it's Bush's mouth, not his money, that Kennedy needs. —By Massimo Calabresi

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tening to their arguments, Gerlach appeared to be reconsidering his vote. "One of the saving aspects of our democracy is our ability to fix mistakes," he told his constituents. "I supported the House bill," he said to TIME. "But we need to move the ball forward, and I agree wholeheartedly that that is not the final policy coming out of Congress."

House leaders are also showing a new flexibility. "We're going to look at all alternatives," House Speaker Dennis Hastert, who voted yes on the Sensenbrenner bill, said two days after the Senate committee's action. "We're not going to discount anything right now. Our first priority is to protect the border."

week, Oklahoma Senator James Inhofe gave a taste of what is to come when he offered an amendment that would solve the problem of insufficient border surveillance by adding more border guards, deputizing retired police officers to patrol the frontier and authorizing citizen militias to hunt and capture illegal border crossers. Inhofe argued that the conditions in which captured border jumpers are held—he mentioned the provision of sports facilities and good food—are too pleasant to deter aliens from crossing into the U.S.

In the end, drafting a law acceptable to both the House and the Senate would mean finding common ground in three areas, each

All those measures are popular with voters, although in practice beefed-up enforcement can create as many problems as it solves. When the Clinton Administration began patrolling the California border more closely in the mid-1990s, the illegal traffic simply shifted eastward—increasing tensions in Arizona and New Mexico, where illegal immigration had largely been tolerated.

And for all the cry for more scrutiny of the border, none of the proposals under consideration would accomplish nearly as much, experts agree, as getting tough at the other end of the pipeline—on employers—by enforcing the law already on the books. Immigrants will

continue to come to the U.S. as long as they know they can get jobs. The 1986 Immigration Reform and Control Act made it illegal for employers to knowingly hire undocumented workers and imposed penalties of up to \$11,000 for each violation. But lawbreakers are rarely punished. In 2005 the government issued just three notices of intent to fine companies for employing illegal workers, down from 178 in 2000.

That may be in part because the number of federal immigration investigators dedicated to work-site enforcement fell from 240 in 1999 to just 65 in 2004, according to the Government Accountability Office. And what resources the nation's immigration police put toward enforcement were diverted after 9/11 to finding undocumented employees in security-sensitive sites such as airports and nuclear power plants—hardly the first places that illegal immigrants tend to look for work. On those rare occasions when employ-

ers are punished, the penalties are so small that they amount to little more than a cost of doing business. Both the Sensenbrenner bill and the draft the Senate is considering would increase sanctions and step up enforcement.

#### ■ ASSURING A LABOR SUPPLY

THE COUNTRY HAS WELCOMED SO-CALLED guest workers into the U.S. since World War I, during which tens of thousands of Mexican workers were allowed in temporarily to help on the nation's farms. The idea is that when harvest time is over, they return home.

Except that often they don't, which is why the House rejected President Bush's proposed guest-worker plan when it passed its immigration bill in December. But House leadership strategists say privately they believe this time, with a strong lobbying effort by business and some additional pressure by

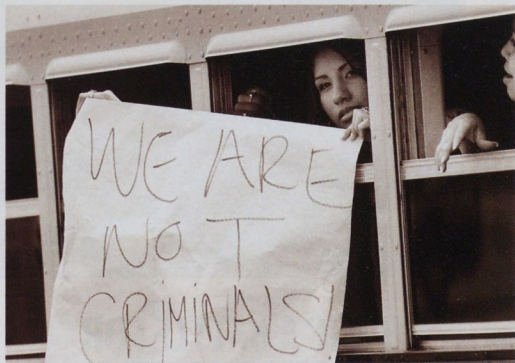


PHOTO BY AP/WIDEWORLD

And we also know there is a need in some sections of the economy for a guest-worker program." House majority leader John Boehner has begun talking dismissively about the feasibility of the 700-mile fence that the House voted to build along the border.

But many others in the House, seeing the direction that the Senate is taking, are only digging in deeper. More than a third of House Republicans belong to the anti-immigration caucus led by Congressman Tancred of Colorado. (Only two Democrats are members.) After the Senate Judiciary Committee voted, more than a dozen of them held a news conference denouncing it. "It would be like a dinner bell. 'Come one, come all,'" said Colorado Representative Bob Beauprez.

Senate foes of loosening the immigration law are not giving up either, despite the Judiciary Committee vote. As debate opened last

#### HAVING THEIR SAY

A student registers her protest from the window of a school bus in Dallas

of which presents political challenges and real-world consequences of its own:

#### ■ TIGHTENING THE BORDER

THERE IS ONLY ONE THING ON WHICH ALL sides of this debate agree: America needs to get tougher about controlling its borders. If there is any easy part to writing an immigration law, this is it. Every proposal before Congress calls for more border-patrol agents, more jail cells and detention centers for captured illegal immigrants, and new technology to enable employers to screen employees to ensure that they are lawfully in the country.

Bush, they may find the votes they need to support a guest-worker program in a conference bill. The Senate Judiciary bill would allow at least 87,000 guest workers a year to apply for permanent residency, a step toward citizenship—which may be more than House Republicans can swallow. But even if guests are explicitly temporary, there is always a great risk that they will nonetheless stick around after their papers expire.

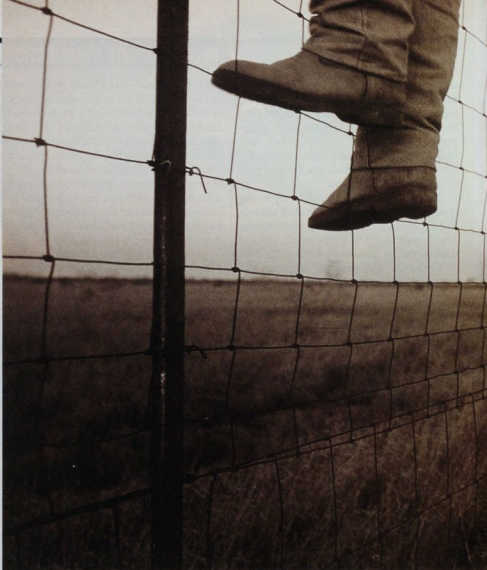
#### ■ THE A WORD

AND WHAT OF THE 11 MILLION ILLEGAL IMMIGRANTS who are in the U.S.? Will they get a chance at the biggest prize—citizenship? No word in the immigration debate is more freighted than *amnesty*. Everyone who wants to reform immigration policy to legitimize a significant portion of those who are here illegally is quick to insist that what they are talking about is “earned citizenship.” The bill that passed the Senate Judiciary Committee, for example, created a path to citizenship that would take 11 years and require that immigrants hold jobs, demonstrate proficiency in English, pass criminal-background checks and pay fines and back taxes. “This is an earned path,” stressed South Carolina Senator Lindsey Graham, one of the Republicans who voted for it. “Some will make it, and some will not. The only thing to me that is off the table is inaction.”

It's easy to understand why the idea of an amnesty would spark such a negative reaction. The country tried one with the 1986 law. Nearly 3 million people took advantage of it, and the amnesty was followed by an explosion in illegal immigration. But not to offer some process by which illegal immigrants gain legitimacy is to keep them permanently underground. “To me, it goes to the core of your view and recognition of human dignity for everybody,” says Kansas Senator Sam Brownback, another of the Judiciary Committee Republicans who voted for legalization. But to do it is to reward lawbreaking, says Texas Senator John Cornyn, who voted against the bill. “It will encourage further disrespect for our laws and will undercut our efforts to shore up homeland security.”

So which way is really in the American tradition? In some respects, that's beside the point, because the immigration debate, like immigration itself, is a bet on the future. “Immigrants don't come to America to change America,” says Florida Senator Martinez, who arrived from Cuba when he was 15. “Immigrants come to America to be changed by America.” But either way, they come. —With reporting by Mike Allen/with Bush and Perry Bacon Jr., Massimo Calabresi and Mark Thompson/Washington

VICTOR CROCI



#### TIME FORUM

## “THIS IS A BATTLE FOR AMERICA'S IDENTITY”

Viewpoints: Let enforcement do its work, says one expert, while some others think markets and mercy offer a better solution

**BALDEMAR VELASQUEZ**  
President, Farm Labor Organizing Committee, AFL-CIO

The key problem is making felons out of everyone who is here without documents. What people miss is that includes 1.6 million children. Who thinks of this crazy stuff? These measures are just horrendous. We've taken enough bad-mouthing from these talking heads on radio and TV. If this House bill passed, I would be a

criminal. And I wouldn't stop what I'm doing, so I'd be one of the first people arrested. This is no longer just an immigration issue. It is a civil rights movement now.

People forget that less than 170 years ago, the whole West was part of Mexico. Who do you think named Los Angeles, San Francisco and San Antonio? It wasn't the people who came through Ellis Island. It was us. We didn't cross any borders. The borders crossed us.





**KATHLEEN NEWLAND**  
Director and co-founder, Migration  
Policy Institute

A few facts are inescapable. First, the U.S. government has been throwing resources—money, staff and technology—at border control for years, and illegal immigration has done nothing but rise. It should be clear that strengthening border enforcement is not enough to bring order to our chaotic immigration system. A second fact is the enormous appetite of the U.S. economy for labor—both skilled and unskilled. Unemployment is at historic lows, but employers have very limited options for bringing in low-skilled workers legally and no practical way to verify the legal status of their hires. Expand the channels for legal entry, make it practical for employers and workers to use them, penalize those who don't—and demand-driven illegal immigration will dry up.

**MARK KRIKORIAN**  
Executive director, Center for  
Immigration Studies

It is not a choice between mass round-ups and expulsions on the one hand and amnesty on the other—there's a middle way, the only thing that can work, and that is attrition. Attrition through enforcement: instead of allowing the illegal population to grow every year, we start enforcing the law inside the country, something we don't do at all unless your name is Mohammed and you work inside a nuclear power plant. After we've reasserted control over the illegal population through enforcement, then we can have a debate about whether we legalize some of the people here or not. The public is already in favor of immigration enforcement. It's an elite commitment that's lacking. It's the business elite, Big Labor, Big Religion, Big Media, Big Academia, who are hostile to the very concept of immigration enforcement.

**MOVING NORTH**

Having surmounted the border, Mexican migrants tackle a fence on private land north of Roma, Texas

**GEORGE BORJAS**

Economist, Harvard University

The easiest way to get into the U.S. is to have a family connection here. Other countries look at things like what kind of work you do, what languages you speak, how old you are, how much education you have. All those questions would steer the kind of immigrants we get to highly skilled workers who are economically beneficial.

The kinds of immigration policy we have been pursuing, both legal and illegal, lead to an economic outcome where those on the low end of the labor market are suffering and all that extra wealth is being redistributed to the employers. Such a huge amount of wealth is being redistributed away from the poor toward the upper middle class and people who use immigrant service workers—the rich. So what immigration is doing is pouring more poor people into the U.S. and making the poor who are already here even poorer.

**FRANK SHARRY**

Executive director,  
National Immigration Forum

The only way to restore the rule of law to our immigration system is to have policies that respect the laws of supply and demand. As someone who's been debating this thing for 25 years, I can say the debate was polarized. It was an either/or debate: more visas or more enforcement. We finally came up with the answer: Yes. We should do both.

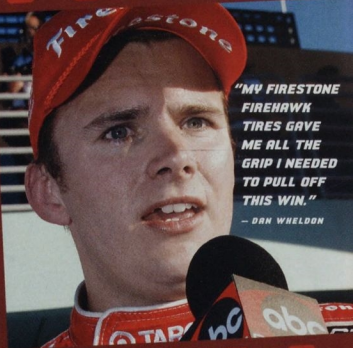
This isn't so much a policy debate. It's a battle for America's identity. Are we the people already here, or are we a set of ideas and ideals that are universal, such that the people who come here and subscribe to those ideals are American? You can never become a German if you weren't born in Germany. But you can become American. America is permanently evolving. That scares some people, but that's what we're all about. Do you keep it the way it is, or do you keep re-energizing the country with fresh people and fresh ideas? ■

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GRIP I NEEDED  
TO PULL OFF  
THIS WIN."

- DAN WHELDON

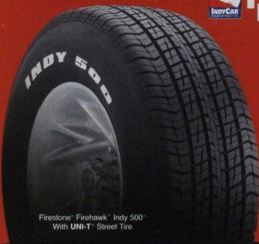
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# What It Means for Your Wallet

Immigration tends to benefit the overall economy—but not everyone gains

## ■ IS ALL THIS IMMIGRATION GOOD FOR THE ECONOMY?

By and large, yes. Immigrant labor is a drag on wage growth, thus keeping a lid on inflation and interest rates. As a result, prices for goods and services are lower, and citizens can purchase more. And immigrants are consumers too: some 80% of what undocumented workers earn in the U.S. stays in the country. A recent study by economists at the University of North Carolina found that Hispanic residents, 45% of whom were undocumented, contributed \$9.2 billion in spending to North Carolina's economy in 2004. By taking the least desirable jobs, says John Kasarda, a co-author of the study, "they have kept some industries competitive that would have gone to Mexico and China."

## ■ CAN THE U.S. ABSORB MORE IMMIGRANT WORKERS?

The Senate is considering a bill to grant 400,000 work visas annually for low-skilled immigrants in addition to the 140,000 visas currently available to foreign workers (including highly skilled ones). That's like adding a city the size of Atlanta each year. But it's a small fraction of the U.S. workforce of 139 million. "No credible estimate exists that [shows] immigrants cause unemployment," says James Smith, a senior economist at the Rand Corp. On the other hand, immigrants at least cause displacement by taking low-paying jobs from some Americans.

## ■ WHO GETS HURT THE MOST?

Primarily those without high school degrees. Harvard economist George Borjas estimates that the influx of foreign-born laborers has shaved the incomes of U.S. high school dropouts as much as 8%—and taken their jobs in industries like food service and construction. Of the 4.8 million

## ■ IF UNDOCUMENTED WORKERS BECOME LEGAL, WON'T THEY COST BUSINESSES MORE?

Many employers already pay minimum wage to illegal workers. Although some shifty employers may still exploit workers they can keep off the books, "I really don't think most serious corporations want that," says Jagdish Bhagwati, an econ-

Children of undocumented immigrants tend to need English-as-a-second-language classes, and their parents typically don't pay enough in taxes to cover schooling. Hospitals write off the cost of medical services for undocumented immigrants. The bigger picture is more muddled. Economists at Rand have found wide variances in analyses of the

costs to taxpayers of providing services to immigrants, from a "surplus" of \$1,400 per immigrant to a "deficit" of \$1,600. The majority of immigrants, in fact, pay taxes, even the undocumented (via fake Social Security and taxpayer IDs). Through 2002, illegals paid an estimated \$463 billion into Social Security. Their takeout: almost nothing.

## ■ WOULD AN INCREASE IN IMMIGRATION AFFECT ME DIRECTLY?

Immigrant workers pluck our grapes, stock our shelves, grill our burgers and clean



**NO GREEN CARD:** Workers from El Salvador on the job in Long Island, N.Y.

net new workers who entered the labor force from 2000 to 2005, 4.1 million were recent immigrants, says Andrew Sum, director of the Center for Labor Market Studies at Northeastern University. "If you're young and male and a high school dropout, chances are you've been displaced by an illegal immigrant," he says. Forcing supplanted workers to find other employment, however, may encourage them to improve their skills and their earning power, says Smith. "It's not musical chairs."

omist at Columbia University. That's because, says John Gay, a lobbyist for the National Restaurant Association, "a steady supply of dependable labor is more important [than minimum wage] to employers trying to grow their business." Forecasts of labor shortages spook some employers; restaurants expect 15% job growth over 10 years, while the labor force is predicted to grow only 10%.

## ■ WHAT ABOUT THE STRAIN ON SOCIAL SERVICES?

Public schools bear the brunt.

our offices—for pay that lets us keep our own wallets plumper. Moreover, their domestic labor gives their employers more time to put into higher-paying work and leisure time. A vibrant laborer population could even create white-collar jobs, says Daniel Griswold, an immigration expert for the Cato Institute—say, for hotel managers hired to oversee expanding staffs. "Immigrant workers," he says, "make the economy more flexible, more dynamic." —By Lisa Takeuchi Cullen and Daren Fonda



Mike Allen

# Can Bush's New Captain Steady the Ship?

Josh Bolten will bring staff changes, a meatier agenda and a campaign's intensity

**A**MONG INSIDERS, IT'S being called "the reboot." Although President George W. Bush stuck close to home when he chose Budget Director Josh Bolten to succeed chief of staff Andrew H. Card Jr. last week, officials consulted by the White House said the overhaul will be more consequential than it looked at first. These officials said Bolten, who comes on board April 15, plans to put some new faces in front of the public and on Capitol Hill. Bush, who retired to his Texas ranch for the weekend after a summit in Cancún, did not want it to appear that inside-the-Beltway carping had sparked a staff shuffle. Now it can be attributed to Bolten, who will add some meat to an election-year agenda that has disappointed even some of the President's most fervent supporters. Speaking of Bush's team, a Bolten friend said, "Josh thinks they need to communicate better, and need something better to communicate."

The new appointment has bought Bush some time, but allies of the White House say he must do more. They say Bush has the chance to right his second term if he is willing to follow through with a few more tough decisions, such as one to increase the social contact he has had with key lawmakers.

For all the blame Card was getting around Washington for the drifting of the second term, he was sufficiently beloved in the West Wing that some officials cried after he went

before cameras in the Oval Office and told Bush in a choked voice, "Ecclesiastes reminds us that there are different seasons, and there is a new season." The staff had also embraced his wife Kathleen Card, a Methodist minister who often told reporters that she prays for the press.

first bid for the Republican presidential nomination, to campaign stops throughout New Hampshire. Card, now 58, went on to become George H.W. Bush's last Secretary of Transportation, and remains "Secretary Card."

His other moniker, "the Chief," passes to Bolten, 51, a

smaller discussion," says lawyer Jay Lefkowitz, who worked with Bolten under both Presidents Bush.

Bolten can be tough. And some staff members fear that the family friendliness of the West Wing may disappear under this bachelor workaholic. This is a White House where rush hour is 6:30 a.m., but evenings and weekends are usually spent at home. Bolten routinely works until 10:30 p.m. and is often seen around the complex on the weekend in jeans, tennies and a favorite red plaid shirt. Some senior and mid-level staff members are uncertain about signing on for a new regime that could have the intensity of a campaign. Bolten will "expect everyone to be on the job in a new and invigorated way," according to a colleague. "That's the

benefit, but the rank and file can expect things to be more rigorous." Associates say he wants clearer lines of authority and delineation of duties.

The day Bolten was promoted, he began making the first of many calls to lawmakers of both parties, including one that pleasantly surprised Representative Jack Kingston of Georgia, vice chairman of the House Republican conference. "I'm not a big fish," Kingston admitted, "and he said, 'We're interested in what you're hearing out there and what you guys on the Hill have to say. We want your input.'" Now the challenge for the new chief, and his boss, is what to do with it. ■



Bolten amid Administration staff and Cabinet members in the Rose Garden last week

Card did not want to go. But he "heard the tom-toms," according to someone who knows him well, and told Bush it was in the best interests of the team for him to leave, five months short of the record tenure in the job set by Sherman Adams under President Dwight Eisenhower. "People like Andy personally, but they're relieved, because this should have happened a year ago," a Bush confidant said.

It will be a bittersweet exit for a proud Massachusetts pol who started serving the Bush family in 1979, when he would pick up the President's father at Boston's Logan Airport in a red Chevette with rusty floorboards and drive the elder Bush, in his

CIA agent's son and former investment banker who has a fancier résumé, a wry humor, less disdain for the press and more interest in policy. As policy director of George W. Bush's 2000 campaign and his first deputy chief of staff for policy, Bolten is steeped in the current system. In meetings, he often whips out a giant calculator to show the price when, as an aide put it, "someone wants to save a continent from malaria." He's self-assured enough that he has been known to tell underlings he didn't need to accompany them to meetings with the President. "He would stay out of meetings in the Oval if he thought the President would benefit more from a



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# CAN IRAQ'S MILITIAS BE TAMED?

As the killings continue, TIME meets fighters on both sides of Iraq's sectarian divide—and finds hope that all-out civil war can be avoided

By MICHAEL WARE BAGHDAD

**A**S HE STEPS ONTO THE STREETS OF BAGHDAD'S SHI'ITE slum Sadr City, Saed Salah chambers a round into his pistol and shoves it into the back of his pants. A mid-ranking commander in the Mahdi Army, one of the most potent of the armed militias that have carved Baghdad into fiefdoms, Saed Salah has little to fear from the authorities. The whole neighborhood knows who he is. Motorists are aware that his fighters man the makeshift checkpoints that dot the neighborhood. Even though he has attacked U.S. troops countless times, no one will touch him. If the G.I.s could find him, they would slap him straight into Abu Ghraib prison. But that's not likely to happen. The American military may occupy Iraq, Saed Salah says, and an

Iraqi Prime Minister may be in power, but neither owns these streets.

He's right. Iraqi army troops set checkpoints on the main thoroughfares in and out of Sadr City, but they are powerless in the face of the Mahdi Army. "They do nothing. They can't even stop a vehicle," says a member of a separate unit of the fractious militia as he speeds past one of the checkpoints. A pickup truck overflowing with gunmen toting AK-47s roars up from behind. Their shirts are emblazoned with the name of one of the country's most formidable armed groups: MAHDI ARMY, PROTECTION COMMITTEE, 2ND BRIGADE. As they approach the army checkpoint, no one makes a move; instead of confrontation, there is acknowledgment. A militia member waves from the pickup, and a soldier sheepishly waves back. With that, the gunmen barrel through.

In Baghdad today, the militias are consolidating their power. A wave of sectarian killings since the Feb. 22 bombing of a holy

Shi'ite shrine in Samarra has left hundreds—possibly thousands—of Shi'ites and Sunnis dead across the country, with more tortured and dismembered bodies turning up each day. The U.S. military is pinning its hopes on the Iraqi army and police to stand between the two sides and bring calm to a volatile situation, but in many parts of the capital, the U.S.-backed forces wield less authority than the forces taking their orders from men like Saed Salah and his boss, the rebel anti-American cleric Muqtada al-Sadr. Many U.S. and Iraqi officials believe that hard-line Shi'ite militias are behind the daily abductions and executions of Sunnis and that they are doing as much to rile sectarian hatred as terrorists linked to Abu Mousab al-Zarqawi, the leader of al-Qaeda in Iraq.

Yet there's also evidence that the mainstream of armed fighters on both sides is loath to allow the extremists to drag them into full-scale war—for now. In more than a dozen interviews with militia leaders, insur-

gent commanders and clerics, TIME sought out the men likely to be on the front lines of a full-blown sectarian conflict. What they have to say won't necessarily bolster hopes that Iraq can avoid all-out civil war indefinitely. But few militia members interviewed by TIME believe that they are fighting one now. Their assessments largely accord with those of U.S. military intelligence: that while rival death squads roam unchecked, for now civil war is in no one's interest but al-Zarqawi's. Militants on both sides say U.S. forces remain a bigger enemy than their countrymen. "The elements for civil war are all there," says a senior U.S. military intelligence officer, "but this society is complex, and it still hasn't generated self-sustaining sectarian strife."

What no one denies is that the violence is becoming more brutal. U.S. officials say 25 bodies are found each day, although it's unclear how many are victims of sectarian killings. Unlike the terrorist attacks commit-







**ENFORCERS**  
A truck carrying members of the  
Mahdi Army militia patrols the streets  
of Baghdad's Sadr City

ted by al-Zarqawi, sectarian violence rarely bears a calling card. Shi'ite and Sunni militants interviewed by TIME say the worst killings are carried out by small, secretive death squads that the militants conveniently describe as rogue elements. Windows into the machinations of the death squads are rare, but U.S. and Iraqi forces have gained some intelligence on them. Some operations have been uncovered in Sunni-controlled areas, like those of the radical Ansar al-Sunnah group discovered in Latifiyah more than a year ago during a U.S. sweep called Operation River Walk. Execution videos, swords and instruments of torture were found by soldiers in what were deemed to be killing rooms.

A March 26 raid on a Shi'ite militia complex—believed to be a hub for a kidnapping and terrorist network—has raised suspicions that a death squad may have been run out of the complex. Shi'ite leaders claim that the 16 men who died in the raid were worshipping peacefully in what turned out to be a mosque.

But Iraqi commandos and U.S. military liaisons told TIME that the dead perished in battle with weapons in their hands. According to U.S. military officials, more than 60 reports of kidnappings or executions have been linked to the mosque, including the slayings of three Iraqi special-forces soldiers. Shi'ite leaders continue to deny the allegations.

Such discoveries lend credence to those, like former Prime Minister and chief U.S. ally Iyad Allawi, who say Iraq is already mired in civil war. Yet despite the bloodshed on both sides, the militants on the front lines don't consider themselves in outright conflict with one another. "War might be tomorrow or one year from now; it all depends on the sparks made by those seeking to inflame it," says Abu Moham-

med, a former top-ranking officer in Saddam Hussein's army and now a key Baathist insurgent strategist. Another Baathist insurgent downplays the pervasiveness of sectarian hatred: "It's true there are death squads killing Shi'ite and killing Sunni, and while they're Iraqi, they're really the instruments of foreign interests"—referring to al-Qaeda and Iran. His Shi'ite counterparts in al-Sadr's militia agree. Two mid-ranking field commanders of the Shi'ite Mahdi Army say the violence falls short of war with the Sunnis. "Sectarian violence is made by the occupation forces. There is no civil war," says Saed Salah as members of his cell nod in agreement.

Both Shi'ite and Sunni militants insist they would rather fight to rid Iraq of U.S. forces than take up arms against each other. Abu Mohammed says there's nothing to be gained by waging a costly religious fight while the U.S. remains in the country. "The Shi'ites are an inseparable part of the resistance. We have to unite our efforts against the invaders, so we must be careful to avoid a civil war that will weaken us," he says. Contact between Sunni insurgents and Shi'ite militias like al-Sadr's Mahdi Army have been under way since the battle of Fallujah in 2004, with both exchanging expertise and manpower. "We have nothing against Shi'ites ... our dead are buried with theirs, as theirs are buried with ours in Fallujah," says insurgent commander Abu Saif. It's a sentiment echoed by the Sadrist leaders, who bear scars from dueling with the U.S. "We have many relationships binding us together," says Abu Zainab.

Still, few U.S. or Iraqi officials believe Iraq can ever become a stable, functioning society as long as political parties maintain their armed wings. The U.S. would prefer that the Iraqi security forces disarm the militias, but it hasn't happened. A senior military official in Baghdad says the U.S. is deliberately avoiding confrontations with the militias. But last month alone, soldiers from the 4th Infantry Division in Baghdad have had what the official calls 19 "encounters" with militias, including a shooting incident. The danger is that the bigger the militias get, the more likely they are to intensify their clashes over turf and authority. A U.S. military-intelligence officer says there is still some reason to believe that Iraqis will put their common interests ahead of their rivalries. "In this society, there are many ties that bind—from tribe to clan to educational, social and political," he says. "I don't think the threads have been cut." If they ever are, it may prove impossible to put them back together. ■



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# Snaring a Strongman

In a test case for Africa, a Liberian warlord is arrested for war crimes. Here's how he almost got away

## CUSTODY

After his capture, Taylor lands in Sierra Leone



ERIC THOMAS/REUTERS/GETTY IMAGES

By SIMON ROBINSON



Taylor in 2003

CHARLES TAYLOR WAS impatient. For five hours the exiled former Liberian President had been sitting in the remote town of Gamboru, Nigeria, waiting for the right moment to slip across the border into Cameroon.

Finally, as dawn cracked last Wednesday, Taylor decided to make his escape. A light-colored Land Rover carrying him and four companions—believed to be his wife, son, driver and an aide—drove past an unmanned immigration checkpoint before encountering a final gate across a narrow bridge. Witnesses say the driver and aide got out of the vehicle and started fiddling with the gate's lock. Nigerian customs officials approached the men, who tried to bribe the officers into letting them pass, then fled. Inside the SUV, officers found two boxes filled with U.S. dollars. Taylor was in the backseat, wearing a flowing white robe. "He didn't say a word to the officers," police spokesman Haz Iwendu told *TIME*. "He was just sitting in the car."

For a man who was once among the most feared in Africa, it was an unceremonious end. As Liberia's ruler from 1997 to 2003, when a rebel

revolt and international pressure forced him to resign and go into exile in Nigeria, Taylor, 58, had brutalized his country and the region, fomenting wars in three countries that left as many as 300,000 people dead and thousands more raped and maimed. Following the likes of Slobodan Milosevic and Saddam Hussein, Taylor is the latest strongman to face a reckoning in a court of law: after his capture in Nigeria, he was delivered to the U.N.-backed Special Court for Sierra Leone, which has charged him on 11 counts of war crimes, crimes against humanity, sexual slavery and mutilations—atrocities allegedly carried out by Taylor loyalists with his knowledge during Sierra Leone's decade-long civil war. The court has asked the Netherlands to be host to Taylor's trial because of concerns that his presence in Sierra Leone could lead to more unrest. If convicted, he will face multiple life sentences. Says Desmond de Silva, the court's chief prosecutor: "His presence in [our] custody sends out the clear message that no matter how rich,

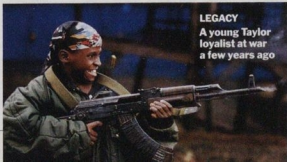
powerful or feared people may be, the law is above them."

That may be true—but Taylor's capture had as much to do with realpolitik as with justice. For years, although under indictment by the war-crimes tribunal and confined to a tin-roofed villa in Calabar, in Nigeria's steamy southeast, Taylor retained the support in Liberia of thousands of his ex-soldiers. In an effort to placate Taylor's loyalists, Ellen Johnson-Sirleaf, Liberia's new President, said on taking office in January that prosecuting Taylor was less a concern than reconstruction. But international donors, including the U.S. and the European Union, demanded as a condition of aid that Johnson-Sirleaf ask Nigerian President Olusegun Obasanjo to turn over Taylor. "The pressure was more than just political pressure," Samuel Kofi Woods, Liberia's Labor Minister, told *TIME*. "It also had to do with the development of Liberia."

Still, Taylor very nearly slipped away. On March 25, Obasanjo, under pressure himself from the U.S., finally agreed to extradite Taylor. Two days later, as Nigeria and Liberia argued over who was responsible for transporting the former warlord to Sierra Leone, Taylor disappeared. Police sources in Calabar told *TIME* they believe Taylor's vanishing act was instigated by some of his supporters with the connivance of Nigerian officials, who wanted to relieve themselves of responsibility for arresting Taylor. Nigerian authorities arrested 22 police officers guarding his residence for "misconduct, dereliction of duty and offenses prejudicial to discipline," and Obasanjo has set up a panel to investigate Taylor's disappearance. "President Obasanjo obviously did not know about the plan to make Taylor 'disappear,' but some of his security aides knew," says an official in the State Security Service in Abuja, the capital of Nigeria.

It remains unclear whether the Nigerians' nabbing of Taylor came about by luck or by design. But that matters little to Liberians who suffered from his brutality. As long as Taylor evaded justice, there was always the chance he might one day return to power. Hours after Taylor's arrest, Nigeria put the former leader on a presidential jet bound for Liberia. On a rain-soaked runway, Taylor was handed over to Liberian authorities, who passed him on to U.N. soldiers, who choppered him to Freetown, Sierra Leone. A few hours later, Taylor sat in a prison cell, his likely home for years to come. —With reporting by Gilbert de Costa/Abuja and Johnny Dwyer/New York

**LEGACY**  
A young Taylor loyalist at war a few years ago



ERIC THOMAS/REUTERS/GETTY IMAGES





PHOTOGRAPH BY GIANLUIGI GEMELLI

#### INCUMBENT A Berlusconi campaign poster in Milan

from 23% to 28%—the second highest percentage in the world after Japan—meaning that there are fewer than four workers for every retiree. The rapidly aging workforce has clipped productivity and jeopardized the solvency of the pension system.

How did Italy get so gray? Demographers say Italians are witnessing the effects of collectively delayed adolescence. The average Italian man is 33 when his first child is born, which means Italy's are the oldest first-time fathers in Europe and thus tend to have smaller families. "Italians take a long time to assume responsibilities," says Francesco Billari, 35, a demographer at Milan's Bocconi University. As a result, everything from leaving home to marrying and having kids to entering politics starts late—which has also delayed the rise of leaders who might push the forward-leaning reforms the country needs.

Some young Italians are trying to buck the trend. Matteo Renzi, president of the province of Florence, is one of Italy's rare young leaders. He says his contemporaries need to grab power—for the good of

the whole country. "I ask to have space [to govern] because I've got new ideas," he says. "And I believe I have these ideas because I'm 30." But he knows he can push only so far. When he met

Berlusconi for the first time last year, the Prime Minister questioned Renzi on his politics (he's a liberal) and his wardrobe (brown corduroys). He hasn't switched political sides, but ever since, Renzi confesses, he has been wearing sharp blue suits. —With reporting by Francis X. Rocca/Milan

## LETTER FROM ITALY

Jeff Israely

# Is This Man Grayer Than He Looks?

As Silvio Berlusconi fights for re-election, a country confronts its old age

**S**ILVIO BERLUSCONI HAS never been one to act his age. Since being elected Italy's Prime Minister in 2001, he has called a German critic "perfect for the part" of a Nazi prison guard, reminisced after a speech to the U.S. Congress about seeing a *Playboy* calendar in high school and even held up two fingers behind the head of the Spanish Foreign Minister during a photo op. There's also the plastic surgery and hair replacement the 69-year-old billionaire has undergone to help mask the physical toll of his job—which he may well lose when Italians go to the polls this Sunday, with most voter surveys putting his center-left opponents ahead by 5 points. When he thanked supporters

at a campaign stop in Naples last week, he couldn't avoid calling attention to the fact that he is, by any measure, a senior citizen. "A welcome like this knocks 10 years off my age!" he said.

As the longest-serving Prime Minister in postwar Italy, Berlusconi might be tempted to try to score points off his opponent's youth and inexperience—except that his rival, former Prime Minister Romano Prodi, is 66. Whoever wins, Italy will remain the only West European country with a sexagenarian Prime Minister. For Italians the face-off between two candidates born in the 1930s is a discomfiting reminder of the country's geriatric tilt. "It's the same faces saying the same things," says

Mariangela Potenza, 24, a university student from Basilicata. "There's nothing that transmits innovation or novelty to the voters, nothing that stimulates me as a young person." Voter turnout, though still well above U.S. standards, has been edging downward in every national election since 1979.

Italy has long been the proverbial Old Country, a source of nostalgia for its millions of emigrants around the world. To its 58 million citizens, it is that rare land that still honors tradition and respects the wisdom of its elders.

But Italy is now on course to become the Oldest Country. Stuck with a stubbornly low birthrate of 1.3 children per woman (compared with 2.7 in the 1960s), its society is ossifying, and the economy faces deep structural strains. The median age since 1995 has risen from 40.2 to 42.5. In the past 10 years, the percentage of retired Italians has jumped

**A contest between two men born in the 1930s reflects Italy's geriatric tilt**

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# Getting on Board

AN OLD ADVERTISING MEDIUM IS BEING REINVENTED. BILLBOARDS ARE GETTING SMARTER AND MORE INTERACTIVE, LETTING YOU IN ON THE ACTION

Using their cell phones or PDAs, music lovers can grab a free Lenny Kravitz tune from this New York City billboard



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BY DODY TSIANTAR

In Manhattan's trendy SoHo district, rock star Lenny Kravitz peers down from a 60-ft.-wide billboard for Absolut vodka, holding in his outstretched arms what appears to be a digital cable with bottle-shaped plugs. This isn't just the physical manifestation of the vodka-maker's latest hip ad campaign; it's also a display of advanced technology. At the bottom of the sign, Absolut invites passersby to send a text message or enable their Bluetooth cell phones to download a free 4-min. MP3 track where they're standing. "We always try to be edgy and different with our ads, but this time we

wanted to go beyond the traditional," says Jeffrey Moran, a spokesman for Absolut, which has a similar sign up on Sunset Boulevard in Los Angeles.

Thanks to the Web, cell phones and applications like Bluetooth and text messaging, one of the oldest ad media is suddenly one of the industry's most fashionable. U.S. marketers spent \$6.3 billion last year on out-of-home campaigns, as billboard advertising is called—an 8% increase from the year before, making outdoor the second fastest-growing ad medium after the Internet. And we're not talking just your standard roadside EAT AT JOE's billboard. Today's outdoor ads are everywhere—on waste cans, taxis, bus shelters, phone kiosks, even gasoline nozzles. Intrusive? Perhaps, but some of them are also interactive at your request. And at a time when consumers have become increasingly mobile and increasingly overloaded with information, the outdoor ad industry is touting the billboard, the updated version as well as the old



standby, as the last powerful way to reach a mass audience efficiently. "It's a medium where there is no remote control," says Paul Meyer, worldwide president of the \$2.7 billion Clear Channel Outdoor, a leading player in the global outdoor arena. "You can't mute it or change the station. You can't turn it off. It's there 24/7."

Technology, in part, is driving the medium's rebirth. It's easier to generate buzz when what you're doing is genuinely cool. Consumers can now download music, play video games, watch

## 7 ADS A MINUTE

Drivers on I-90 in the Cleveland suburb of Bratenhal, Ohio, pass a Clear Channel LED billboard that displays a different ad every 8 sec. Messages can be tailored to the time of day



◀ Nationwide's billboard gives you the power to beam up an image from your Web-connected phone cam

movie trailers or custom-design a pair of sneakers and purchase them—all by interacting with outdoor ads. Signs can send a digital coupon to our cell phones, and soon they may even start addressing us by name, as they did in Steven Spielberg's 2002 futuristic film *Minority Report*. "We're almost there," says Stephen Freitas of the Outdoor Advertising Association of America, an industry trade group. "Outdoor advertising is evolving to a world of two-way advertising very, very fast."

Marketers love the interaction with consumers, and it's easy to see why: the results are immediate and measurable. "For the advertiser, it really turns out-of-home into a direct-response mechanism," says Alasdair Scott of Filter in London, the firm that developed BlueCasting, the Bluetooth-based system used in the Absolut campaign. The rock band Coldplay used BlueCasting last summer to launch its album *X&Y*. During a two-week period, 20,000 people downloaded video clips and sample tracks directly from posters in London's main rail terminals. Fifty bus-shelter ads in Britain for the movie *Alien vs. Predator* prompted 500,000 riders to vote for who would win the celluloid battle by pushing



pany's headquarters: a billboard that changes ads depending on the gender of the viewer. Davies says the demo, which takes a superficial body scan to tell male from female, gets it right 95% of the time.

The billboard as a medium is changing rapidly too, as outdoor agencies transform those once static boards into digital light-emitting-diode (LED) or liquid-crystal-display (LCD) screens that flash new images every few seconds. The dynamic screens allow marketers to fine-tune their messages to rush-hour commuters or soccer moms, depending on the time of day. Lamar Advertising, based in Baton Rouge, La., has converted 75 vinyl highway boards into digital LED displays at a cost of \$300,000 to \$500,000 each. "Advertisers can change their messages almost instantaneously," says Sean Reilly, Lamar's president and coo. Reilly plans to put up 200 of those smart boards before the end of the year. "This is truly the next revolution in out-of-home advertising," says Larry Steiner, vice president of development for Van Wagner, which owns the sign running the Absolut campaign.

▲ Coca-Cola is increasing its use of outdoor ads. Coke's board in Times Square can have a 3-D look

■ "YOU CAN'T TURN IT OFF. YOU CAN'T MUTE IT. IT'S THERE 24/7." —PAUL MEYER, CEO, CLEAR CHANNEL OUTDOOR

a button on the signs. "That's what I call engagement," says Jean-Luc Decaux, a co-CEO of JCDecaux North America. This month the Paris-based firm will place ads with 19-in. LCD screens in five Chicago bus shelters, allowing riders to watch a movie trailer.

Entertainment isn't the only thing being advertised on digital signs. When Lancôme launched its new fragrance, *Hypnôse*, in France last summer on JCDecaux bus-shelter signs, cell-phone users with Bluetooth could download coupons for a sample. The supply ran out in three days. In the fall, British fashion retailer New Look used Hypertags, small electronic devices embedded in billboard panels that sent digital discount vouchers via infrared and Bluetooth technology to customers to spend immediately at nearby stores. Hypertag counts Procter & Gamble, Ford, Nike and Vodafone as clients. "It tends to be big companies who want to do exciting, above-the-line promotions," says Rachel Harker, one of the company's co-founders. And in Britain the line keeps getting higher, says James Davies of Hyperspace, the innovations division of the London ad consultancy Posterscope. On trial at the com-

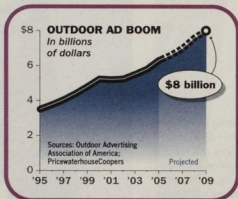




ad sales continues, Clear Channel's Meyer estimates that the boards will produce revenue of \$2.3 million in 12 months. Those seven displays in their static form generated \$380,000 last year. "An ad medium that historically has been viewed as cumbersome and slow to react is now as flexible as broadcast," says Meyer.

It's possible that, given the mobile lifestyle of today's consumers, billboards can reach more people more reliably than TV commercials. A survey released by the Association of National Advertisers and Forrester Research last month found that 78% of advertisers think traditional TV commercials have become less effective. Since TV audiences are so fragmented, insiders argue, outdoor ads are a surer way to reach more people more frequently than other forms of advertising. On average, says Senese, out-of-home signs are seen by 90% of adults in a given geographic area over a four-week period.

Television execs wouldn't buy that pitch, but on one selling point the outdoor industry is on solid ground: much improved metrics. How many people see an outdoor ad and when they see it can be tracked much more accurately than ever—a key mea-



billboard locales, the study delivered the sharpest outdoor ratings the industry has seen. Nielsen found that, on average, Chicagoans pass 66 outdoor displays each day. TAB is conducting its own industry-funded study to measure the likelihood that a person passing an ad will see it.

It's not all that surprising, then, that many national advertisers such as Unilever, Coca-Cola and McDonald's are reconsidering billboards in their ad mix.

"Outdoor now has a place in the media-planning process," says Wally Kelly, CEO of CBS Outdoor. Coca-Cola is coming back outdoors full throttle this month to advertise its new beverage, Coca-Cola Blak, and its new global slogan, "The Coke side of life." According to senior vice president Katie Bayne, the brand will run ads on the top 10 boards in 28 national markets. Last year she advertised in only 10 markets. "Our target consumers are increasingly outdoors," she says. "And out-of-home ads are a surefire way to get our message to them."

That's not to say new billboard technology is free of challenges. Advertisers and privacy advocates are worried that interactive campaigns could be intrusive. Not everyone wants to be

## MOVING MESSAGES

Viacom Outdoor's digital LED SuperScreens change messages frequently on 25 buses roaming central London and along escalator panels in the city's Underground rail system



surement for national advertisers who want proven results. Since 1933, the only equivalent of TV's Nielsen ratings for outdoor boards came from the Traffic Audit Bureau (TAB), which counted how many people passed a given sign. That antiquated system worked in local markets but couldn't capture the breadth of a national campaign. So the industry has invested heavily in research, recognizing that big-time advertisers demand accountability. Says TAB's president and CEO, Joseph Philport: "We realize the challenge has been not just to deliver the size of an audience that sees an ad but to determine how many in the audience notice it."

Enter Nielsen Outdoor. The research group last fall tested the Npod, a GPS-based device about the size of a cell phone. The media group gave the gadget to 850 consumers as they moved around Chicago for 10 days and counted when they passed 12,500 ad sites. Layering demographic and TAB traffic data over maps of

talked to by a billboard. "If somebody starts pinging phones, there's going to be consumer backlash," says Tom Burgess, CEO of Third Screen Media, a mobile-marketing and software consultant. For that reason, the newest high-tech outdoor campaigns invite consumers to opt in, by sending a text message. For example, Nationwide, the insurance and financial-services company, encourages visitors on Times Square's Reuters billboard to send in snapshots via a company website. Each afternoon it posts selected photos on the 23-story sign. Up the street, Walt Disney World advertises a new theme-park attraction. Send a text message to the number posted, and seconds later your phone buzzes with an SMS from Disney asking whether you want further promotions. For now, the advertiser knows only your number. Before too long, though, it could know your name too. Pretty cool stuff—and maybe just a little scary. —With reporting by Michael Brunton/London

Photographed by Patricia von Ah at the Reno Air Races, Reno, Nevada.

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# B-School Buddhism

BY CAROLINA A. MIRANDA

**Srikumar Rao** wants his students to meditate. He teaches them to be grateful. In his gentle voice, he asks them to stop living in a "me centered" world and start living in an "other centered" one. It's the kind of talk that would be right at home in a Buddhist monastery, but Rao's disciples gather in

another kind of temple: business school.

Think of it as self-help for the M.B.A. set. Mixing Eastern philosophy with career counseling, Rao's personal-development class gets business students to explore what they find meaningful in life and integrate it into their careers. Despite some initial skepticism about the touchy-feely vibe (where else would a future M.B.A. read Ram Dass?), the class has been one of the most popular offered at Columbia Business School, where Rao has been an adjunct professor since 2000. Up to 200 students apply for 40 spots. Students have been so moved by his message, they started an informal alumni club to preserve the passion as they go on to conquer commerce. Rao taught last fall at London Business School, where he won another set of fans. "It's a very intense course," says Mar Doncel, who works in investment banking and took his course in London. "You do it with a lot of love."

How does Rao bring business-school

Type A's in touch with their inner yogi? He draws on his knowledge of Indian spirituality but speaks to businesspeople in a language they understand, says Sreedhar Kona, who took the course at Columbia in 2004. Rao has a Ph.D. in marketing from Columbia and spent half a dozen years in that business, including working in a pivotal position on promotions for the movie *The Exorcist*. It was then that he asked himself the question he regularly poses to his classes: "Is this what you want your legacy to be?"

Students say figuring out the answer forces them to define their priorities in a way no other B-school course does. They are asked to keep a daily journal and attend an off-site retreat. Required reading ranges from classics like *Creativity in Business* to spiritual travelogues like *A Search in Secret India*. In one exercise, students spend an hour each day for a week helping someone else without expecting anything in return.

It may not be advanced accounting, but the results do filter down to the bottom line. Now a risk associate at GE in Stamford, Conn., Kona says the techniques have made him a better team player. "Before, I might not have gone out of my way to help a co-worker," he says. "Now I take the stance that the success of a project is what's important. Whether or not I get credit doesn't bother me as much." Doncel says the course even improved her relationship with her partner. "It's much less about the little things and more about what we want from life," she says.

Rao, who is on sabbatical from Long Island University in Brookville, N.Y., where he has taught the course since 1994, is expanding his mission beyond business students. A book based on his principles, *Are You Ready to Succeed?*, was published early this year, and he recently started teaching seminars based on this course for the public.

Ultimately Rao is counting on his students to create a more genuine ethic of business, one that would not allow a scandal like Enron to take root. He likes to imagine what a generation of other-centered businesspeople could do for the world. "In about a decade, my students will be in leadership positions," he says with a satisfied smile. "And they will ask, 'What can I do to make things better?'"

—With reporting by Helen Gibson/London





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# Spill Going On

SEVENTEEN YEARS AFTER THE VALDEZ OIL DISASTER, EXXON IS STILL FIGHTING A PUNITIVE-DAMAGES CASE

BY JEREMY CAPLAN

By any measure, the \$36 billion in profits that ExxonMobil earned last year is staggering. While corporate critics cavil, shareholders see a company simply doing what companies are supposed to do—earning money. Given Exxon's riches, though, the 32,677 claimants in a 17-year-old suit pursuing a \$4.5 billion damage award from Exxon for its 1989 *Valdez* oil spill are puzzled: Why

doesn't the world's largest and most profitable oil company just pay the victims and move on? Exxon recently argued its third appeal of the award handed out by a jury in 1994 as punishment for the *Valdez* spill, the largest in U.S. history, which dumped more than 11 million gal. of oil into Alaskan waters. Exxon says it has already paid out more than \$3 billion and owes nothing else. The oil giant has spent an estimated \$400 million fighting in court. "The company took immediate responsibility for the spill, cleaned it up and voluntarily compensated those who claimed direct damages," says Mark Boudreaux, an Exxon spokesman.

But many of the fishermen living in Cordova, Alaska, near the spill's epicenter say the initial compensation has hardly made a dent in their long-term losses, estimated by plaintiffs' lawyers at \$700 million. R.J. Kopchak, 58, a commercial fisherman in Cordova for 32 years, says he has suffered about \$660,000 in forgone income since the spill, as a result of lost sales and the devaluation of his herring-fishing permits. "I've struggled to make a dime, let alone a profit, and these guys are making billions of bucks," says Kopchak. He and many other fishermen say 11 of the past 13 herring seasons were ruined by damage from the spill. Exxon disputes local fishermen's assertion that the spill has done extraordinary environmen-

tal damage to the region. But numerous reports, including an independent scientific review of studies—published in *Science* in 2003—have demonstrated the spill's extensive and long-term impact.

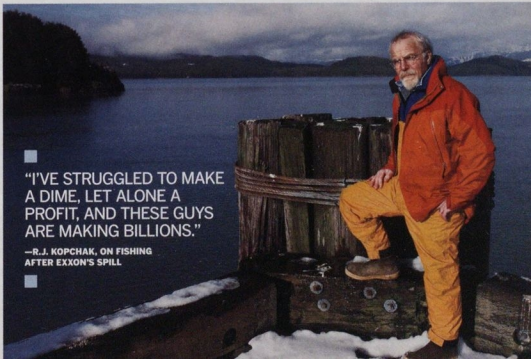
Experts say Exxon is appealing the punitive portion of the case in part to curtail open-ended payouts for future spills. Says Boudreaux: "It is [a question of] whether punitive damages are warranted in this case." To that question, U.S. District Court Judge H. Russel Holland has twice answered yes. Both times, after an appeals court sent it back for review, he agreed with the jury's decision awarding the plaintiffs \$4.5 billion, noting that Exxon "demonstrated reckless disregard for a broad range of legitimate Alaska concerns."



The oil spill killed waterfowl like this one. Exxon says Prince William Sound is healing

Kopchak and others say only punitive damages will give Exxon the incentive to prevent future oil spills. "The industry's perception is that all they have to worry about is the immediate out-of-pocket costs and they can just pollute and pay," says the plaintiffs' lead attorney, Dave Oesting.

The punitive-damages case may not be Exxon's last legal tussle over the spill. In 1991 Exxon agreed to pay \$900 million to settle a civil lawsuit brought by the State of Alaska and the Federal Government for natural-resource damages. The settlement allowed the governments to seek an additional \$100 million if there was evidence of long-term, unanticipated injuries to the natural habitat or species. The Exxon *Valdez* Oil Spill Trustee Council's current report notes that less than 20% of the species the council recognized as having been injured by the 1989 spill have fully recovered. As a result, a coalition of environmental groups is pushing for a reopening of the 1991 settlement. They are girding for a long fight. Exxon's profits, it seems, are exceeded only by its patience. ■



"I'VE STRUGGLED TO MAKE A DIME, LET ALONE A PROFIT, AND THESE GUYS ARE MAKING BILLIONS."

—R.J. KOPCHAK, ON FISHING AFTER EXXON'S SPILL



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# Raising Arizona

The Dumpster-diving Vultaggio, founder of Arizona iced tea, uses old-school street smarts to sell his New Age drinks

HOW AN EX-BEER DISTRIBUTOR FROM BROOKLYN BUILT A BLAZING ICED-TEA BRAND—AND PLANS TO STAY AHEAD

■ BY SEAN GREGORY ■



Like any good chairman of a multimillion-dollar beverage company, Don Vultaggio knows that distribution is a key to success. But unlike most high-flying executives, Vultaggio, head of privately owned Ferolito, Vultaggio & Sons, maker of the popular Arizona brand of iced tea, will spend a Friday night on a forklift. On a recent evening, Vultaggio, in jeans and an untucked T shirt,

zipped around a steamy, 30,000-sq.-ft. Tampa, Fla., warehouse on a hi-low, moving pallets to fit 3 million cans, bottles and gallon jugs of Arizona into the space. Vultaggio had flown from his Lake Success, N.Y., headquarters early that morning to reorganize the space, stopping first in Orlando, Fla., to shake hands with Arnold Palmer, whose face graces the can of Ari-

zona's half-iced-tea, half-lemonade drink. But forget about lounging at the 19th hole: Vultaggio worked the warehouse until 3 a.m., then returned for a 10-hour shift on Saturday. Asked whether he would rather be hanging out with an American icon, Vultaggio says, "What do you think? Doesn't this look more fun?"

Born in Brooklyn, N.Y., Vultaggio

prefers the forklift to the corner office because he is more at home on the warehouse floor. "Some may call that micro-managing," says Vultaggio of his hands-on approach. "I don't know what that is. To me, it's just normal."

Vultaggio is the blue-collar anti-CEO, a former truck driver and Brooklyn beer distributor who, with innovative packaging and consumer-friendly pricing, has built Arizona into the fastest-growing major bottled-tea brand in the country. And he has done it on his own terms, dismissing the conventional wisdom about management (chairmen schmooze; they don't reorganize warehouses in the middle of the night), finances (entrepreneurs sell out or go public as soon as they can) and marketing (consumer companies spend at least a few bucks on advertising to consumers) along the way. "Don came up from the bottom and did not forget the lessons he learned from the street," says John Vaccaro, owner of Bett-A-Way Traffic Systems in South Plainfield, N.J., Arizona's national logistics provider for the past 14 years. "Now he's a street fighter in the boardroom."



◀ Arizona rolls out a steady stream of new products, along with distinctive artwork for each flavor

“TALK ABOUT THE LATEST DATA. GARBAGE IS CLEANED EVERY DAY.” —VULTAGGIO, ON USING TRASH AS MARKET RESEARCH

► Vultaggio, the ultimate hands-on executive, leads an Arizona iced-tea sales meeting in Tampa

Vultaggio treats the battle for supremacy in the \$3.5 billion ready-to-drink tea category like a heavyweight bout, and he plays the role of the trash-talking underdog. He dismisses Lip-ton (made by Pepsi and Unilever) and Nestea (a Coke-Nestlé partnership) as “garbage.” His advice to Coke: “Fire those people [the marketing executives]. Put them on a truck, and run them south. They’re out there covering their asses.” Vultaggio gloats about the fate of Snapple, once a proud independent like Arizona, that was swallowed and spit out by Quaker Oats and is now part of Cadbury-Schweppes. To its owners, he says, Snapple is “not even worth talking about.” The soft-drink superpowers feel similarly about him. They refused to bash back.

Vultaggio does have reason to brag: his brand dominated 2005, a year in which Coke and Pepsi fizzled. “Arizona went nuts,” says Jeffrey Klineman, editor of *Beverage Spectrum* magazine, a trade publication. According to *Beverage Digest*, Arizona topped the retail iced-tea market in 2005, taking a 32.3% market share in supermarkets, convenience stores and drugstores and picking up more business than any other brand. Arizona’s annual sales in major retail-distribution channels topped \$417 million, according to Information Resources. The company



says its total sales, including Wal-Mart and all the hundreds of tiny corner bodegas that sell Arizona, are north of \$600 million.

Arizona is one of the players that has turned the entire soft-drink industry on its head. Teas, sports drinks, bottled water and energy drinks, once considered niche players, are driving the market, while the once invincible colas have lost their crown. “Carbonated beverages are in serious trouble,” says Tom Pirkio, president of BevMark, an industry consulting firm. Shipments of soda slipped 0.7% in 2005, says *Beverage Digest*—the first annual decline in 20 years. Coca-Cola’s flagship, Coke Classic, was down 2%; Pepsi-Cola fell 3.2%. And soda is absorbing some of the blame for America’s obesity. A study released in early March linked soda to teenage weight gain. Meanwhile, other sweetened drinks have largely escaped criticism and instead are touting their health benefits. “You can’t swing a stick at a beverage convention,” says Klineman, “without hitting a dozen companies talking

about the antioxidant values of their drinks.”

Arizona has grown through a careful combination of solid value pricing, attractive packaging and a steady stream of new products. Such new health-conscious items as Diet Decaffeinated Green Tea have thus far not cannibalized sales of its reliable iced-tea flavors. Almost all the drinks come in oversize 24-oz. cans, with the 99¢ price painted on the front to prevent retail markups, and each flavor gets a distinct look. “Arizona’s marketing has been in eye-catching, aesthetically pleasing packaging,” says Gary Hemphill, managing director of Beverage Marketing Corp., a research and consulting firm. “To win that shelf battle, your package has to look better than the other guy’s.”

The bottles have cult followings. “If I were planning a room inspired by [Arizona’s] Green Tea with Ginseng,” wrote interior designer Carleton Varney in the *Palm Beach Daily News*, “I’d go for an aqua-blue wall with a carpeting of rose pink, and I’d be certain to find an Asian print to use for drapery.”

So how did Vultaggio, the 6-ft. 8-in. son of an A&P produce manager, who started out hawking beer in New York City from the back of a Volkswagen bus (he proudly recalls being a victim of armed robbers and once threw a brick at a robber’s getaway car), wind up building a New Age-drink business, selling bottles adorned with cherry blossoms? From death stares to drapes in three easy steps. Vultaggio and partner John Ferolito established a semisuccessful beer distributorship before trying to produce their own brands. Their first choices were a little less refined than mandarin-orange-flavored green tea sweetened with honey. They started Midnight Dragon malt liquor in the mid-1980s and, to promote it, printed thousands of posters featuring a scantily clad woman sipping Midnight



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Vultaggio and his son Wes, Arizona's creative director, in the chairman's office. The boss prefers working in the warehouse



PHOTOGRAPH BY JEFFREY M. HARRIS

Dragon through a straw and a vulgar tagline. Midnight Dragon peaked at 3 million cases annually. In the early '90s, Vultaggio's Crazy Horse malt liquor took off, until protests and lawsuits from Native American groups compelled some states to ban it.

Vultaggio found his next business, iced tea, through his most trusted adviser: his gut. On a frigid February day in 1990, a Snapple delivery truck interrupted his sales pitch with a lower Manhattan store owner. "I'm knocking myself out trying to get a five-case order of beer, and this guy is taking 100 iced teas," Vultaggio says. "What am I doing? I said, I gotta go into the tea business." That was his million-dollar focus group. "Yeah, I was focusing," he says. "Wow, that's big."

Snapple was then the hot brand, so Vultaggio needed a way to distinguish his iced tea from his new rival. He picked the name Arizona after staring at a map; his Uncle Vito had moved there to ease his asthma. Vultaggio saw pricing as his

## ■ "DON CAME UP FROM THE BOTTOM. HE'S A STREET FIGHTER."

—JOHN VACCARO,  
ARIZONA'S LOGISTICS PROVIDER

■ true opportunity: Why not give the consumer a 24-oz. can at the same price as Snapple's 16-oz. bottle? After developing the drink with the help of a "flavor house" in New Jersey, Vultaggio dispatched his sales force to Manhattan. "Some of those guys couldn't sell lemonade in Saudi Arabia in the summer, and they come back with orders," he says. Vultaggio would sift through Dumpsters and shake Arizona cans to see if consumers were gulping it down, and he still uses the tactic, which he calls the garbage survey. "You talk about the latest data," he says. "Garbage is usually cleaned every day." From 1992 to '94, Arizona grew from

\$20 million to \$300 million, and it now outsells Snapple.

Over the past decade, Vultaggio has rejected overtures to sell his company as well as frequent advice to take it public. "Why do we want to have these Wall Street guys coming around to complicate it?" he asks. Vultaggio says remaining independent lets him move drinks quickly to market. He sees an alluring piece of cobalt-blue glass on the beach, and a few months later, Arizona has a cobalt-blue bottle. Vultaggio has discussed a distribution deal with Coke that would put Arizona in Coke's vending machines. Without the vast distribution networks of Coke and Pepsi, Arizona still lags behind Nestle and Lipton in vending machines and fast-food fountains. Vultaggio says Coke has talked to him about buying out Ferolito's share of Arizona, with Vultaggio still retaining full control. "That's the only way I would do it," Vultaggio says.

Some analysts think that Vultaggio's stubborn streak, especially his rejection of advertising, is hurting him. Pirko, president of BevMark, believes that with soda lagging, Coke and Pepsi will shift some focus to trouncing Arizona. "It's vulnerable," Pirko says of Arizona. "Word of mouth might work when there's little competition, but now the shelves are overloaded, groaning with new products. He who spends is usually he who gets the space." Vultaggio is utterly unmoved. "We've got a winning formula," he says. "What's the sense of changing it?"

He's stubborn, but he is not standing still. Vultaggio is making a bet on the energy-drink craze, pioneered by Red Bull and the hot upstart Monster. In April he will unveil a hybrid product: Arizona's Green Tea Energy Drink, packaged in a sleek black can—a bizarre combination that promises to keep you up all night while helping your heart. Don't be surprised if Vultaggio finds another hit. "People see something exciting, and they remember it," he says. "Think they remember the first time they had C2 [Coke's low-calorie cola]? I doubt it." Sure, you can take the CEO off the street. But that doesn't mean he can't still hurl some bricks. —With reporting by Wendy Malloy/Tampa

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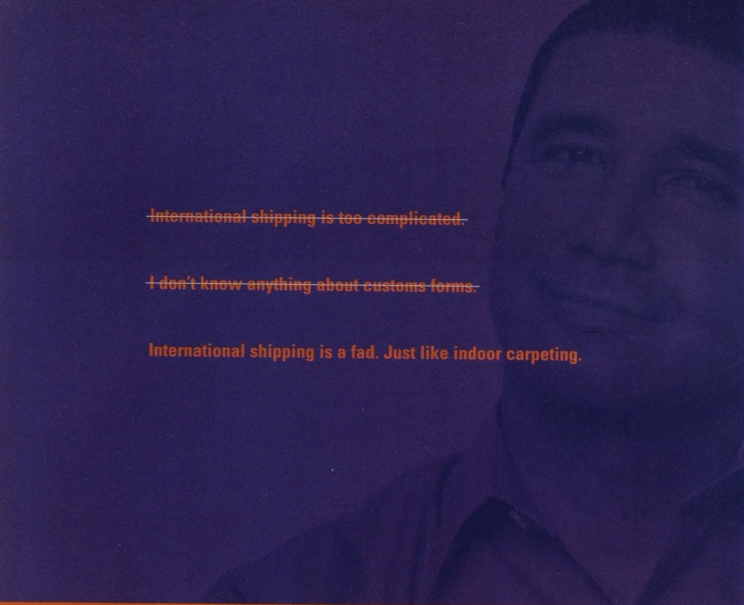
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# Soup for You! And You!

TEN YEARS AFTER SEINFELD MADE HIM FAMOUS, THE "SOUP NAZI" SEEKS TO SERVE UP A FRANCHISE

BY KATHLEEN KINGSBURY

Al Yeganeh appreciates rules. You may be familiar with some of them. Move to the left. Have your money ready. No chitchat. Don't want to follow Yeganeh's rules? Then good luck getting his soup, as the world discovered when *Seinfeld* immortalized Yeganeh as the Soup Nazi in a 1995 episode.

But for all his rules for running the soup counter, it is mostly by ignoring the rules of business that Yeganeh built a small New York City storefront into a multimillion-dollar company. Customer service, obviously, was never a priority. Free publicity he could do without. Yeganeh despises the Soup Nazi nickname and has complained that the hordes of *Seinfeld* fans lining up in front of his shop have ruined his life.

Despite those obstacles and a decade after his initial fame (so much for speed to market), Yeganeh is taking his soup store national. He and a group of partners are expanding the Fifth Avenue tourist magnet (a few blocks from the modest original location) into a 1,000-store franchise called the Original SoupMan. Seventeen are open, with plans for 23 more this year

in the U.S. and Canada. Yeganeh has also begun selling packaged soup in grocery stores in 14 states.

That doesn't mean he is about to start following convention. He continues to shun attention, thus getting it. "Al has gone into his temporary hiding mode," says his spokesman. Instead of pep talks, his franchisees get the tough love usually reserved for customers. Yeganeh changes the menu at will, and he will pull a popular soup out of rotation if he thinks it could be better. "We've already had three different kinds of bread," says franchise owner Lisa Ruddy, whose Princeton shop opened in October. "Al is obviously temperamental, but he's an artist," says John Bello, CEO of the new venture, Soup Kitchen International, Inc. "Soup is his life."

Ah, yes, the soup. That's what attracted the hordes paying as much as \$30 a serving long before the *Seinfeld* parody. The soup,

most notably the sumptuous lobster and crab bisques, earned him a rating in the Zagat food guide higher than those of some of Manhattan's best chefs. Yeganeh travels the world looking for unusual spices, and each soup is studded with fresh vegetables and meat. "We're sure that there's a strong market out there for these premium soups," says Bello.

Experts agree. Americans consume 10 billion bowls of soup each year, but virtually all at home. While other chains offer soup, few have focused on it as a meal in itself, says Harry Balzer of the NPD Group. Will customers balk at the prices? The 12-oz. SoupMan containers typically sell for \$5 to \$7. "People just expect soup to be inexpensive," he says.

People once expected coffee to be inexpensive too, counters Richard George, a professor of food marketing at St. Joseph's University in Philadelphia. "Just look at Starbucks." The biggest hazard, he says, is maintaining quality across hundreds of outlets. Yeganeh hopes to avoid that by maintaining tight control over production. All the soup sold will be made at two locations, one in Indiana and the other in New Jersey, using a preparation process designed and supervised by Yeganeh.

More than 2,000 entities have applied for the privilege of paying \$30,000 for a SoupMan site—although franchisees are forbidden to refer to the Soup Nazi or *Seinfeld* on packaging and promotions. But they are free to break Yeganeh's draconian soup-line rules. They can even be nice to customers.



Yeganeh poses in front of his original New York City store, which he closed in 2004



*Seinfeld*'s Soup Nazi parody brought crowds and notoriety to the Manhattan soup shop



Nickelodeon hopes Diego will sell as well as his cousin Dora

## The Next Kids' Superbrand?

BRIEFS

Except for the researchers taking notes, a Nickelodeon focus group looks like story time at a preschool. In one recent New York City session, four 4- and 5-year-olds heard a story from a future episode of the cable network's hit show *Go, Diego, Go!*, in which a boy enlists a falcon to recover a magic flute. "The snake sings, 'Yuka, yuka, yik yik ...'" the storyteller reads. Kids giggle, observers scribble, and Nickelodeon finds another way into kids' imaginations—and their parents' wallets.

Diego, whose show is a spin-off of the wildly popular *Dora the Explorer* (he's Dora's animal-rescuing cousin), is about to go from TV star to retail brand. About 1.8 million kids tune in to *Diego* every weekday, and Nickelodeon is counting on them to make his merchandise—Diego toys by Fisher-Price will be out in June; clothes and books by fall—just as popular. "He's bilingual, and he has a sense of adventure," says Nickelodeon president Cyma Zarghami. Nickelodeon is a master at milking hot properties. Retail sales of Nick-related products—from Dora backpacks to SpongeBob Band-Aids—topped \$5 billion last year. Will Diego be the next big thing in kiddie cool? Nickelodeon hopes it runs in the family. —By Marianne Murray Buechner



## Revenge Served Sweet

The familiar pink packet has become emblematic of America's diet obsession. Sweet 'N Low, the low-cal sugar substitute, was invented by Brooklynite Benjamin Eisenstadt,

who also created sugar packets, Butter Buds and Nu-Salt. His creativity may be genetic: his grandson is the gifted pop-culture historian Rich Cohen. In his new book, *Sweet and Low*, Cohen tells the rollicking saga of Grandpa Ben's business, "taken over and stripmined by hooligans." The battle over this vast family fortune leads to feuds between siblings, corruption, lawsuits and the ultimate disintegration of the clan. It is Cohen's good fortune to be on the side of the family that was disinherited. Sweet revenge is the energy behind this glorious book. "All they have left me is this story," writes Cohen. "To be disinherited is to be set free." —By Andrea Sachs

## FORD'S HYBRID HICCUP

Rebates have been a part of the car business since Lee Iacocca proclaimed in the 1980s, "Buy a car, get a check." They're now cropping up in an unlikely place—hybrids. Spooked after unsold Escape hybrid SUVs started piling up this winter, Ford is offering incentives of as much as \$1,000 in an effort to goose sales of the \$27,515 vehicle. In Los Angeles, where hybrid drivers get access to car-pool lanes, Ford is offering 0% financing on the Escape, the first hybrid made by a U.S. automaker.

Ford isn't the only one having trouble selling larger hybrids, which get about 30 m.p.g. Toyota, for example, is offering deals on its Highlander hybrid. Analysts say the price difference between SUVs and their hybrid versions—\$3,500 for the Escape—is too steep for price-conscious buyers. Incentives keep that gap from getting "out of whack," says a Ford spokesman. Still, Toyota and Honda bask in strong sales, even waiting lists, for smaller hybrids. But Ford has put its initial efforts into SUVs, a gamble that has yet to pay off. Turns out hybrid buyers are worried about more than one kind of green. —By Joseph R. Szczesny/Detroit







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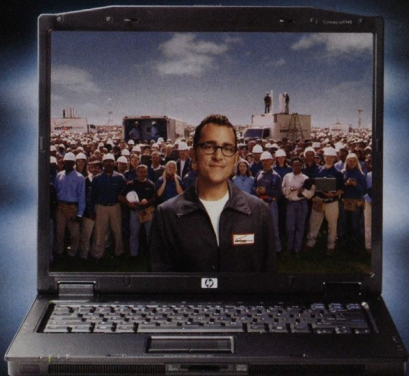
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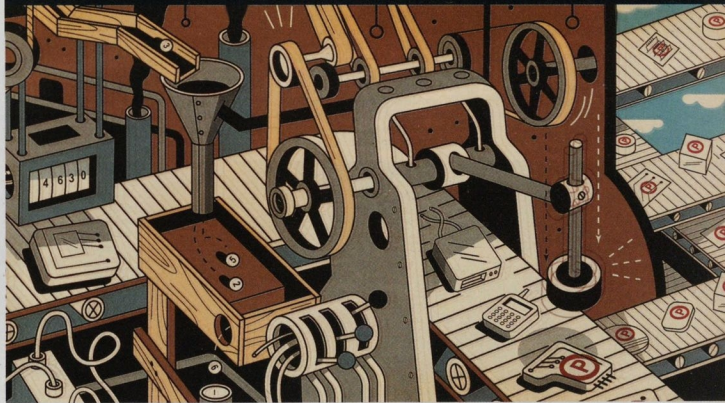
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# PATENTLY ABSURD

eBay is the latest outfit to face a major patent lawsuit that threatens its business. Is the system, meant to promote innovation, doing its job?



By DAREN FONDA

**C**RUISE AROUND EBAY, AND YOU MAY decide that auctions are too troublesome. If you gotta have that Balenciaga sweater, nothing beats the Buy It Now feature; simply meet the seller's price, and it's yours. Without that feature, in fact, eBay would make a lot less money. Fixed-price transactions accounted for about \$14.6 billion in merchandise volume last year, a third of the total. So let's say you came up with that Buy It Now idea and filed for a patent. And let's say a jury concluded that eBay willfully infringed on your patent and owes you damages. Should a judge automatically order eBay to remove that feature? After all, it's your intellectual property, you have a business you would like to build, and eBay basically trespassed.

The question was debated before the

Supreme Court last week in a high-profile patent case, one of several the Justices are hearing this term. The caseload reflects the court's mounting interest in patent wars, which seem to be producing lots of headlines lately. That would include the near shutdown of the popular BlackBerry device, owned by Research in Motion (RIM), of Waterloo, Ont., which had "CrackBerry" fans panicking. RIM coughed up \$612.5 million to settle litigation brought by NTP Inc., despite the fact that the U.S. Patent and Trademark Office rejected all eight NTP patents that were the focus of the lawsuit. NTP is appealing the rejection, but RIM caved rather than face the potential of an injunction.

Patent lawsuits have soared over the past decade, up about 58% since 1995. The patent office is drowning in filings; one recent application is for a napkin band printed with advertising. The office is getting known as an easy grader, awarding patents

too leniently, to such things as basic medical tests and "business methods" like one-click online shopping. That stifles innovation and blocks new products from the market, according to some experts. "There's a consensus in academia and the legal world that the patent system is seriously out of balance and needs reform," says economist Carl Shapiro of Berkeley's Haas School of Business.

eBay's fight against a Virginia company called MercExchange illustrates how small firms swat away at larger ones, at great cost to both. In 2001 MercExchange founder Tom Woolston, a former military pilot and CIA network engineer, sued eBay, claiming that the company infringed on three patents he filed in the mid-'90s, including one that set out methods for fixed-price online auctions (the so-called Buy It Now patent). In 2003 a jury ruled in Woolston's favor and awarded \$35 million in damages.

Then, while the case was winding



through the appeals process, the patent office in 2005 issued "initial" rejections of all three patents. Woolston, who is appealing the rejections, says eBay's infringements and dominance of online auctions virtually killed off his auction site, MercExchange, and says nothing less than an injunction will satisfy him. "We want the injunction so eBay's power sellers come to our site," he maintains. You can imagine eBay's view of that position. The case is so important that eBay has hired big-name lobbyists in Washington, such as the Ashcroft Group, a lobbying shop run by former U.S. Attorney General John Ashcroft. Juleanna Glover Weiss, an ex-press secretary for Vice President Dick Cheney, is registered as an eBay lobbyist on "patent reform."

RIM may have trumped eBay in terms of high-level access: it appears to have met with the patent office's general counsel, James Toupin, and another senior official,

fumed in early March when the Buy It Now patent was reassigned to a new examiner after staff in the technology center had spent 2½ years dealing with it. The new examiner rejected MercExchange's application after only a few days, although the shift may reflect the new way the patent office handles re-examinations in cases more than two years old, with an emphasis on speed.

Arcane as it may seem, the eBay case deals with the balance of power between patent holders and users, and corporate America is keenly interested in the verdict. Silicon Valley types from Yahoo! to Intel have lined up behind eBay, while more traditional companies such as General Electric (inventor Thomas Edison's outfit) and Procter & Gamble support MercExchange, along with the entire drug industry, whose business model hinges on patent protection.

At issue is whether judges should auto-

ware may be covered by hundreds of patents, each with distinct claims, yet it may take only one case of infringement for a judge to issue an injunction, compelling many companies to pay the trolls to go away. U.S. House Republican Lamar Smith, cosponsor of a reform bill, wants to slow the litigation gravy train. "We need a judicial system that does not reward people who file shaky claims on patents," he says.

Whatever the eBay verdict, the patent office looks overwhelmed. It received a stunning 409,532 applications in its 2005 fiscal year, up from around 126,000 in 1985. Examiners average just 19.7 hours per application. None of this is news to Jon Dudas, director of the office, who admits that his staff can't keep up. "It's not that we're taking longer," he says, "but the line just gets longer out the door." In January Dudas announced steps to streamline the process and hire more examiners.

#### PATENTS BY THE NUMBERS

**409,532** APPLICATIONS for patents filed in fiscal year 2005, up 225% since 1985

**2,720** PATENT LAWSUITS filed in fiscal 2005, up 58% since 1995

**\$5 billion** AMOUNT spent annually by corporations and individual inventors to obtain patents

**2,974** PATENTS awarded to IBM in 2005, the most to any company. IBM earned \$948 million last year off its global patent portfolio



#### CASE STUDY

**Tom Woolston, left, sued eBay in 2001, claiming that the online auction house infringed on three of his patents, including one for the Buy It Now feature. A jury sided with Woolston. But the validity of his patents is in doubt, and his case is being heard by the Supreme Court.**



John Whealan. According to a document obtained through a Freedom of Information Act request and provided to TIME, RIM chairman and co-CEO Jim Balsillie was scheduled to meet with patent-office officials on Jan. 4, 2005, along with representatives from the U.S. Department of Commerce (such meetings are highly unusual). In February a Canadian government official contacted a patent-office lawyer to find out if the Canadian Patent Office should "exert an interest or pressure" on its American counterpart. That November Canada's Minister of Industry, David Emerson, wrote to U.S. Secretary of Commerce Carlos Gutierrez, urging that the patent office expedite the review of NTP's patents or at least lay out a timetable in public. "We knew nothing about these contacts and weren't given a chance to respond," says Kevin Anderson, a lawyer for NTP.

No wonder a MercExchange lawyer

matically issue injunctions against infringers, as they do now in most cases. eBay wants judges to have more discretion, which could weaken patent holders' bargaining power. "The only thing that will bring a major company to the table is that in the end they have to [negotiate]," says Nathan Myhrvold, former chief technology officer for Microsoft, who runs a patent-acquisition shop and knows a bit about how big companies wield power.

On the other side are those who argue that small-time patent holders with dodgy claims and no actual businesses are using the legal system to extract payments from firms with established operations and products—lurking like fairy-tale trolls under bridges, popping out to collect a toll. "The trolls are turning patents into lottery tickets instead of rewards for late nights in the lab," says Rob Merges, a Berkeley law professor backing eBay. Merges says semiconductors and soft-

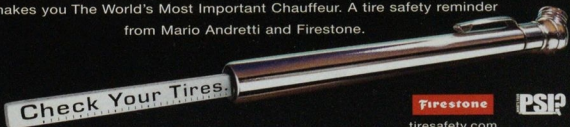
ware helps the bureaucracy, but it won't end the patent arms race. "Companies know that it's easier to get patents and that patent protection is more powerful than it was in the past," says Harvard Business School professor Josh Lerner. Microsoft alone filed 3,000 patents in 2004. Which is fine, say experts like Lerner. The problem is that companies also file patents defensively, to stymie competition. "There are large firms that used to be big innovators, but no more," he says. Those large firms, he says, aren't much different from small-time trolls.

Woolston, for his part, vows to fight eBay regardless of the Supreme Court verdict. One of his rejected patents was reinstated on appeal, he says, and he plans to sue eBay again. An eBay spokesman says the company has a workaround should Woolston get an injunction. Suffice it to say, this is one patent war that won't end soon. —With reporting by Julie Norwell/New York and Eric Roston/Washington



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TOP: THE BANCROFT LIBRARY (2); BOTTOM: SANDRA CANNON FOR TIME







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SCIENCE

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# April 18, 1906

## Lessons from the Earthquake That Shook the World

By J. Madeleine Nash | **San Francisco**

CALIFORNIA STREET—THEN AND NOW Old St. Mary's Church  
on the left-hand side of the street, top, is still visible against a white skyscraper, bottom

**F**ROM THE LOCAL VISTA POINT KNOWN AS TWIN PEAKS, MARY LOU Zoback, a senior scientist with the U.S. Geological Survey (USGS), looks out on a breathtaking view of San Francisco—the gilded dome of City Hall, the diagonal stripe of Market Street, the little neighborhoods marching up and down steep hillsides. Slowly she pivots, taking in the sailboats on the bay, the Golden Gate Bridge, the shimmering surface of the Pacific Ocean. Just out there—she points—a couple of miles offshore, lies the place where, early in the morning of April 18, 1906, the earth's crust cracked like an eggshell, unleashing what—even in the aftermath of 9/11 and Hurricane Katrina—stands as one of the greatest disasters in U.S. history.

Trees were “lash’t as tho by a gale,” bystanders reported, and fields undulated “like the waves of an ocean.” Buildings swayed, clocks stopped, church bells rang, water mains burst, gas lines broke, electrical wires snapped and sparked. Then came the flames, which for three days burned out of control as firefighters stood helplessly by.

Today, 100 years later, the damage that resulted from the great quake seems nearly as shocking as it did then: some 28,000 buildings destroyed,

more than 3,000 people killed, at least 225,000 more—roughly half the population of the city of San Francisco at the time—left homeless. But, more shocking still, was the fact that no one, not even scientists, could explain why, without warning, such fury had erupted from the earth below.

That quickly changed, however, as geologists, led by Andrew Lawson of the University of California, Berkeley, raced into the field, making observations that established the existence of a fault line that parallels the California coast for more than 700 miles. They named the fault the San Andreas, after a jewel-like lake that lay within the rift zone less than 10 miles south of what was then America's largest and richest Western city.

In a two-volume report published in 1908, Lawson and his team went on to elaborate a new model of earthquake formation—the elastic-rebound theory—that holds up to this day. For years, they correctly surmised, stress had been ratcheting up along the San Andreas until finally it became so overwhelming that the earth's crust snapped like an overextended rubber band. Moreover, the buildup and release of strain appeared to be recurrent, resulting over time in a succession of earthquakes “of greater or less violence.” These pioneering researchers provided the first big clue that earthquakes occur in cycles—that in the area around San Francisco Bay, earthquakes are as certain, if not as regular, as the seasons.

It's this certainty that lends urgency to

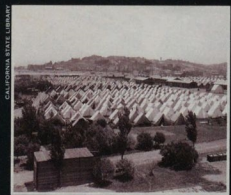
the efforts by Zoback and her colleagues to remap the San Andreas and its subsidiary faults, to amass new clues to its murky prehistory and to re-create in cyberspace the primordial violence of the 1906 quake. In addition to being the centennial of the last Big One, April 18, 2006, marks the approximate midway point in the countdown to the next Big One—100 years of stress accumulation in one of the world's most earthquake-prone regions. The more scientists learn about the ways in which that stress may be released, the more ominous the next earthquake cycle seems.

FROM THE AIR, THE SAN ANDREAS STANDS OUT as a linear gash in the earth's surface that is easy to spot. On the ground, however, it is often hard to read, particularly north and south of San Francisco where it strays offshore, runs through dense redwood forests and even disappears beneath houses and streets. In many populated areas, it's impossible to tell just where the active strands of the fault lie because so many features have been filled in or bulldozed away.

Thanks to the efforts of USGS paleoseismologist Carol Prentice and her colleagues, however, residents of the Bay Area will have a much better sense of the precise path the earthquake took. Working with old photographs, Prentice has found a number of the missing signs of 1906—abrupt jogs in fences that once straddled the rupture zone, for example—and located them on aerial photos.



MOBILIZED Police and



TEMPORARY SHELTER Acity of tents is erected to house the homeless. The tents are later replaced by wooden huts

Among the communities bisected by the fault break is San Bruno, a city of 40,000 that borders San Francisco International Airport.

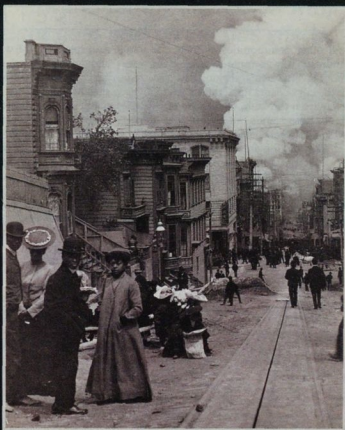
Luckily there are not too many structures located within the strip, about 1,000 ft. wide, that defines the San Andreas Fault zone. The same cannot be said about the nearby Hayward Fault. Along with the Calaveras, San Gregorio and Rogers Creek faults,

## THE 1906 EARTHQUAKE LEFT 225,000 SAN FRANCISCANS HOMELESS



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GUARDSMEN patrol Market Street in the chaotic aftermath



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**NOB HILL** Houses on Jackson Street are spared, while those closer to San Francisco Bay catch fire and burn



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**RIPPED APART** A woman inspects a fresh scar torn through a hillside near the town of Olema in Marin County



CALIFORNIA STATE LIBRARY

**FOOD FOR THE HUNGRY** Long tables are set for refugees and relief workers at a downtown camp in Union Square



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**TRAFFIC HAZARD** The force of the quake heaved up earth, destroying cobblestone roads and streetcar tracks

the Hayward forms part of what scientists refer to as the San Andreas system, and it runs for 60 miles along the hills of the East Bay, cutting through the University of California, Berkeley, football stadium and skimming uncomfortably close to the Caldecott Tunnel, through which 153,000 cars pass daily. Major highways, including Interstate 80, cross the Hayward Fault, as do the pipelines

that bring water down from the snow-clad Sierra. There are hundreds of privately owned structures in the fault zone, virtually all built before the state passed a tough earthquake-zoning law in 1972.

The hazards posed by earthquakes do not stop at the fault zone. Most of the damage caused by a quake comes not from the rupturing of the ground underfoot but from

seismic waves that propagate out from the fault at 8,000 or more m.p.h. While the punch packed by these waves tends to diminish as the distance from the fault increases, that's not always the case. From historical accounts, USGS seismologist Jack Boatwright has assembled a ShakeMap for 1906—a map that displays the intensity of shaking in different areas. For San Francisco

## IN 2005 HURRICANE KATRINA DROVE 300,000 OUT OF NEW ORLEANS



and other communities close to the San Andreas, it was quite severe. But even more severe was the shaking that occurred in the city of Santa Rosa, more than 15 miles away from the fault. On a scale of 1 to 10, Santa Rosa stands out as a 9-plus, somewhere between "violent" and "extreme."

Why did this area get slammed so hard? At least part of the answer lies in the loosely consolidated sediment that sits below the surface. Seismic waves pass quickly through bedrock, but they become trapped in sediment-filled basins. "It's sort of like being in a bathtub filled with water," says USGS seismologist Thomas Brocher. "When you

start splashing, the waves keep bouncing up and down and from side to side." The basin effect amplifies not only the intensity of the shaking but also its duration, which is no doubt why buildings collapsed in Santa Rosa in 1906, killing some 100 people. There are similar sedimentary basins throughout the Bay Area—around the Silicon Valley city of Cupertino, for example, and the expanding subdivisions that surround the Lawrence Livermore National Laboratory.

The biggest basin lies well east of the Bay, in the broad delta formed by the convergence of the Sacramento and San Joaquin rivers. Among the most catastrophic consequences of a big earthquake in the Bay

Area, says University of California at Davis geologist Jeffrey Mount, would be the failure of the delta's aging levee system, which protects not just farmland and residential areas but also the water supply for some 23 million people. Shaken hard enough, the foundations of the levees would crumble, and in a kind of hydrological chain reaction, brackish water from the Bay would surge inland, contaminating the freshwater that aqueducts carry all the way to Los Angeles.

EARTHQUAKES, SCIENTISTS NOW KNOW, occur along the San Andreas because the immense slabs of rock that make up the earth's crust are ever so slowly sliding past



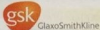
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**Results may vary.**

**Please see Medication Guide and Patient Information on following page.**

## WELLBUTRIN XL® (well but trin XL) (bupropion hydrochloride extended-release tablets)

### Medication Guide

#### About Using Antidepressants in Children and Teenagers.

What is the most important information I should know if my child is being prescribed an antidepressant?

Parents or guardians need to know about 4 important things when their child is prescribed an antidepressant:

1. There is a risk of suicidal thoughts or actions
2. How to try to prevent suicidal thoughts or actions in your child
3. You should watch for certain signs if your child is taking an antidepressant
4. There are benefits and risks when using antidepressants

#### 1. There is a Risk of Suicidal Thoughts or Actions

Children and teenagers sometimes think about suicide, and many report trying to kill themselves. Antidepressants increase suicidal thoughts and actions in some children and teenagers. But suicidal thoughts and actions can also be caused by depression, a serious medical condition that is commonly treated with antidepressants. Thinking about self-harm or trying to kill yourself is called suicidality or being suicidal. A large study combined the results of 24 different studies of children and teenagers with depression or other illnesses. In these studies, patients took either a placebo (sugar pill) or an antidepressant for 1 to 4 months. **No one committed suicide in these studies**, but some patients became suicidal. On sugar pills, 2 out of every 100 became suicidal. On the antidepressants, 4 out of every 100 patients became suicidal.

For some children and teenagers, the risks of suicidal actions may be especially high. These include patients with:

- Bipolar illness (sometimes called manic-depressive illness)
- A family history of bipolar illness
- A personal or family history of attempting suicide

If any of these are present, make sure you tell your healthcare provider before your child takes an antidepressant.

#### 2. How to Try to Prevent Suicidal Thoughts and Actions

To try to prevent suicidal thoughts and actions in your child, pay close attention to changes in her or his moods or actions, especially if the changes occur suddenly. Other important people in your child's life can help by paying attention as well (e.g., your child, brothers and sisters, teachers, and other important people). The changes to look out for are listed in Section 3, on what to watch for. Whenever an antidepressant is started or its dose is changed, pay close attention to your child. After starting an antidepressant, your child should generally see his or her healthcare provider:

- Once a week for the first 4 weeks
- Every 2 weeks for the next 4 weeks
- After taking the antidepressant for 12 weeks
- After 12 weeks, follow your healthcare provider's advice about how often to come back
- More often if problems or questions arise (see Section 3)

You should call your child's healthcare provider whenever you feel needed.

#### 3. You Should Watch for Certain Signs if Your Child is Taking an Antidepressant

Contact your child's healthcare provider **right away** if your child exhibits any of the following signs for the first time, or if they seem worse, or worry you, your child, or your child's teacher:

- Thoughts about suicide or dying
- Attempts to commit suicide
- New or worse depression
- New or worse anxiety
- Feeling very agitated or restless
- Panic attacks
- Difficulty sleeping (insomnia)
- New or worse irritability
- Acting aggressive, being angry, or violent
- Acting on dangerous impulses
- An extreme increase in activity and talking
- Other unusual changes in behavior or mood

However, let your child stop taking an antidepressant without first talking to his or her healthcare provider. Stopping an antidepressant suddenly can cause other symptoms.

#### 4. There are Benefits and Risks When Using Antidepressants

Antidepressants are used to treat depression and other illnesses. Depression and other illnesses can lead to suicide. In some children and teenagers, treatment with an antidepressant increases suicidal thinking or actions. It is important to discuss all the risks of treating depression and also the risks of not treating it. You and your child should discuss all treatment choices with your healthcare provider, not just the use of antidepressants. Another side effect can be weight gain (see section below). Of all the antidepressants, only fluoxetine (Prozac®) has been FDA approved to treat pediatric depression. For obsessive compulsive disorder in children and teenagers, FDA has approved only fluoxetine (Prozac®), sertraline (Zoloft®), fluvoxamine, and clomipramine (Anafranil®). Your healthcare provider may suggest other antidepressants based on the past experience of your child or other family members.

#### Is this all I need to know if my child is being prescribed an antidepressant?

No. This is a warning about the risk for suicidality. Other side effects can occur with antidepressants. Be sure to ask your healthcare provider to explain all the side effects of the particular drug he or she is prescribing. Also ask about drugs to avoid when taking an antidepressant. Ask your healthcare provider or pharmacist when to find more information.

This Medication Guide has been approved by the U.S. Food and Drug Administration for all antidepressants.

### Patient Information

Read the Patient Information that comes with WELLBUTRIN XL before you start taking WELLBUTRIN XL and each time you get a refill. There may be new information. This leaflet does not take the place of talking with your doctor about your medical condition or your treatment.

#### What is the most important information I should know about WELLBUTRIN XL?

There is a chance of having a seizure (convulsion, fit) with WELLBUTRIN XL, especially in people with certain medical problems, who take certain medicines. The chance of having seizures increases with higher doses of WELLBUTRIN XL. For more information, see the sections "Who should not take WELLBUTRIN XL?" and "What should I tell my doctor before being prescribed WELLBUTRIN XL?" Tell your doctor about all of your medical conditions and all the medicines you take. Do not take any other medicines while you are using WELLBUTRIN XL unless your doctor has said it is okay to take them. If you have a seizure while taking WELLBUTRIN XL, stop taking the tablets and call your doctor right away. Do not take WELLBUTRIN XL, again if you have a seizure.

#### What is important information I should know and share with my family about taking antidepressants?

Patients and their families should watch out for worsening depression or thoughts of suicide. Also watch out for sudden or severe changes in feelings such as feeling anxious, agitated, restless, irritable, hostile, aggressive, or severely restless, overly excited and hyperactive, not being able to sleep, or other unusual changes in behavior. If this happens, especially at the beginning of antidepressant treatment or after a change in dose, call your doctor. A patient Medication Guide is provided to you with each prescription of WELLBUTRIN XL, entitled "About Using Antidepressants in Children and Teenagers." WELLBUTRIN XL is not approved for use in children and teenagers.

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#### What is WELLBUTRIN XL?

WELLBUTRIN XL is a prescription medicine used to treat adults with a certain type of depression called major depressive disorder.

#### Who should not take WELLBUTRIN XL?

Do not take WELLBUTRIN XL if you have or had a seizure disorder or epilepsy, are taking ZYBAN (used to help people stop smoking) or any other medicines that contain bupropion hydrochloride, such as WELLBUTRIN Tablets or WELLBUTRIN SR Sustained-Release Tablets. Bupropion is the same active ingredient that is in WELLBUTRIN XL. Do not take WELLBUTRIN XL if you drink a lot of alcohol and abruptly stop drinking, or use medicines called sedatives (these make you sleepy) or benzodiazepines and you stop using them all of a sudden, have taken within the last 14 days medicine for depression called a monoamine oxidase inhibitor (MAOI), such as NARDIL® (phenelzine sulfate), PARNATE® (tranylcypromine sulfate), or MARPLAN® (isocarboxazide), have or had an eating disorder such as anorexia nervosa or bulimia, are allergic to the active ingredient in WELLBUTRIN XL, bupropion, or to any of the inactive ingredients. See the end of this leaflet for a complete list of ingredients in WELLBUTRIN XL.

#### What should I tell my doctor before using WELLBUTRIN XL?

Tell your doctor about your medical conditions. Tell your doctor if you are pregnant or plan to become pregnant. It is not known if WELLBUTRIN XL can harm your unborn baby. If you can use WELLBUTRIN XL while you are breastfeeding, (WELLBUTRIN XL passes through your milk. It is not known if WELLBUTRIN XL can harm your baby), have liver problems, especially cirrhosis of the liver, have kidney problems, have an eating disorder, such as anorexia nervosa or bulimia, have had a head injury, have had a seizure (convulsion, fit), have a tumor in your nervous system (brain or spine), have had a heart attack, heart problems, or high blood pressure, are a diabetic taking insulin or other medicines to control your blood sugar, drink a lot of alcohol, or abuse prescription medicines or street drugs.

Tell your doctor about all the medicines you take, including prescription and non-prescription medicines, vitamins, and herbal supplements. Many medicines increase your chances of having seizures or other serious side effects if you take them while you are using WELLBUTRIN XL. WELLBUTRIN XL has not been studied in children under the age of 18 years.

#### How should I take WELLBUTRIN XL?

Take WELLBUTRIN XL exactly as prescribed by your doctor. Do not chew, cut, or crush WELLBUTRIN XL tablets. You must swallow the tablets whole. Tell your doctor if you cannot swallow medicine tablets. Take WELLBUTRIN XL at the same time each day, take your doses of WELLBUTRIN XL at least 24 hours apart. You may take WELLBUTRIN XL with or without food. If you miss a dose, do not take an extra tablet to make up for the dose you forgot. Wait and take your next tablet at the regular time. This is very important. Too much WELLBUTRIN XL can increase your chance of having a seizure. If you do not take too much WELLBUTRIN XL, or overdose, call your local emergency room or poison control center right away. The WELLBUTRIN XL tablet is covered by a shell that slowly releases the medicine inside your body. You may notice something in your stool that looks like a tablet. This is normal. This is the empty shell passing from your body. Do not take any other medicines while using WELLBUTRIN XL unless your doctor has told you it is okay. It may take several weeks for you to feel that WELLBUTRIN XL is working. Once you feel better, it is important to keep taking WELLBUTRIN XL exactly as directed by your doctor. Call your doctor if you do not feel too much WELLBUTRIN XL is working for you. Do not change your dose or stop taking WELLBUTRIN XL without talking with your doctor first.

#### What should I avoid while taking WELLBUTRIN XL?

Do not drink a lot of alcohol while taking WELLBUTRIN XL. If you usually drink a lot of alcohol, talk with your doctor before suddenly stopping. If you suddenly stop drinking alcohol, you may increase your chance of having seizures. Do not drive a car or use heavy machinery until you know how WELLBUTRIN XL affects you. WELLBUTRIN XL can impair your ability to perform these tasks.

#### What are possible side effects of WELLBUTRIN XL?

Seizures. Some patients get seizures while taking WELLBUTRIN XL. If you have a seizure while taking WELLBUTRIN XL, stop taking the tablets and call your doctor right away. Do not take WELLBUTRIN XL again if you have a seizure. Hypertension (high blood pressure). Some patients get high blood pressure, sometimes severe, while taking WELLBUTRIN XL. The chance of high blood pressure may be increased if you also use nicotine replacement therapy (for example, a nicotine patch) to help you stop smoking. Severe allergic reactions. Stop WELLBUTRIN XL and call your doctor right away if you get a rash, itching, hives, fever, swollen lymph glands, painful sores in the mouth or around the eyes, swelling of the lips or tongue, chest pain, or have trouble breathing. These could be signs of a serious allergic reaction. Unusual thoughts or behaviors. Some patients have unusual thoughts or behaviors while taking WELLBUTRIN XL, including delusions (believe you are someone else), hallucinations (seeing or hearing things that are not there), paranoia (feeling that people are against you), or feeling confused. If this happens to you, call your doctor.

The most common side effects of WELLBUTRIN XL are weight loss, loss of appetite, dry mouth, skin rash, sweating, ringing in the ears, shakiness, stomach pain, agitation, anxiety, dizziness, trouble sleeping, muscle pain, nausea, flat heartbeats, some throat, and urinating more often. If you have nausea, take your medicine with food. If you have trouble sleeping, do not take your medicine too close to bedtime. Tell your doctor right away about any side effects that bother you. These are not all the side effects of WELLBUTRIN XL. For a complete list, ask your doctor or pharmacist.

#### How should I store WELLBUTRIN XL?

Store WELLBUTRIN XL at room temperature. Store out of direct sunlight. Keep WELLBUTRIN XL in its tightly closed bottle. WELLBUTRIN XL tablets may have an odor.

#### General information about WELLBUTRIN XL

Medicines are sometimes prescribed for conditions that are not mentioned in patient information leaflets. Do not use WELLBUTRIN XL for a condition for which it was not prescribed. Do not give WELLBUTRIN XL to other people, even if they have the same symptoms you have. It may harm them. Keep WELLBUTRIN XL out of the reach of children.

This leaflet summarizes important information about WELLBUTRIN XL. For more information, talk with your doctor. You can ask your doctor or pharmacist for information about WELLBUTRIN XL that is written for health professionals or you can visit [www.wellbutrin-xl.com](http://www.wellbutrin-xl.com) or call toll-free 888-825-8249.

#### What are the ingredients in WELLBUTRIN XL?

Active ingredient: bupropion hydrochloride.

Inactive ingredients: ethylcellulose aqueous dispersion (NF), glyceryl behenate, methylcellulose copolymer dispersion (NF), polyvinyl alcohol, polyethylene glycol, povidone, silicon dioxide, and triethyl citrate. The tablets are printed with edible black ink.

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one another, borne by poorly understood currents that roll through a sea of semi-molten rock. By keeping tabs on the position of key landmarks on either side of the fault, scientists can measure the speed at which the plates are traveling, in this case about 2 in. a year. The problem for the Bay Area boils down to this: except for one short section, the plates on either side of the San Andreas are tightly locked together. It's only when the stress becomes overwhelming that the San Andreas breaks apart, allowing the plates to lurch forward, 10 ft. to 20 ft. at a time.

In principle, this cycle of stress accumulation and release should be fairly regular, but scientists are finding it is not. Paleoseismologist Tina Niemi of the University of Missouri-Kansas City, for example, is studying a stream-fed marsh near Tomales Bay that has preserved evidence of past earthquakes in its sedimentary layers. By trenching through those layers to a depth of 15 ft., she has uncovered buried fissures formed by recurrent earth movements along the San Andreas. On average, that pattern repeats every 250 or so years, but "average" in this case covers a wide range. In one instance there appears to be a 600-year interval between quakes, in another just five decades.

Already, scientists say, there is a greater than 60% probability that one or more of the faults in the San Andreas system will unleash an earthquake of magnitude 6.7 or higher over the next three decades, and among the most likely candidates is the Hayward Fault. The last big earthquake on the Hayward occurred in 1868; it caused so much damage that it was known as the great San Francisco earthquake until 1906 displaced it. "The Hayward Fault is locked and loaded," says Brocher, "and it could fire at any time."

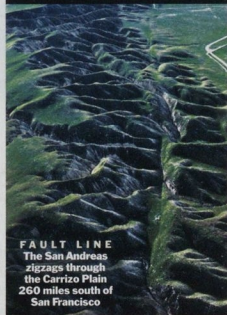
San Francisco. Across a Landsat image of the Bay Area, Aagaard's simulation takes the form of a spreading blob of mixed colors that indicate shaking intensities, from low-intensity blue to medium-intensity yellow and high-intensity red. Then Aagaard calls up 1906. The difference is immediately apparent. This time red flows across the landscape like a river of lava, and among the places that glow the brightest is the area around Santa Rosa, just as the ShakeMap says it should.

Aagaard and his colleagues have started using their earthquake simulator to try to answer the most tantalizing questions of all: What if the rupture of the fault had not start-

showing, Zoback and her colleagues have redoubled their efforts to raise public awareness of the hazard that lurks below. Later this month their voices will be reinforced by the more than 2,000 scientists, engineers and emergency managers gathering in San Francisco for a special 100th Anniversary Earthquake Conference.

The question is: Will Bay Area residents pay attention to what these public-spirited researchers say? The ghost of Hurricane Katrina, no less than that of 1906, will haunt the centennial as it gets under way. "Katrina has shown us what a \$100 billion-plus disaster looks like, the kind of disaster no one want-

## THE ATTACKS ON 9/11 KILLED 2,981 PEOPLE



ed to talk about before," says Chris Poland, chief executive of Degenkolb Engineers and chairman of the conference. "It's shown us what happens when you damage a community so much that its economy stops."

While it is true that the communities in and around San Francisco have taken a number of laudable steps—constructing a whole new span for the San Francisco-Oakland Bay Bridge, for example—it is also plain that they need to do more. There are tens of thousands of older buildings in the Bay Area that do not meet modern earthquake standards, among them office and apartment buildings whose upper floors rest atop an unreinforced storefront or garage. In an earthquake, such "soft-story" buildings are likely to collapse or sustain damage so severe that no one will be able to live or work in them.

That is what the flooding from Katrina did to New Orleans, and the vividness of what it means to a modern city to lose so much housing and so many jobs has given the 1906 centennial a somber emotional edge. At risk in this case is not just a very large metropolitan population—the Bay Area now has about 7 million residents versus perhaps 800,000 in 1906—but also a vibrant \$350 billion economy that includes one of the nation's largest financial hubs, one of its busiest ports and one of the world's densest concentrations of technical and scientific talent.

Time, unfortunately, is not on the Bay Area's side. Scientists say the "shadow" of the 1906 earthquake—a kind of protective umbra generated by the enormous release of stress 10 decades ago—is already beginning to dissipate. That means the Bay Area will soon be rocked by the next cycle of seismic unrest, with smaller but still damaging earthquakes signaling the start of a new era of danger for a city that's had more than its share.

## MORE THAN 3,000 DIED IN THE 1906 QUAKE

What will happen when the Hayward Fault—or the San Andreas—goes off? Scientists who study ancient quakes cannot answer that question because it depends on details that sediments do not preserve. But using a new 3-D model of the earth's crust in the Bay Area, USGS geophysicist Brad Aagaard and his colleagues can run simulations that tweak different parameters for earthquakes that have already occurred and for those still to come. The results range from the expected to the quite surprising.

At his computer, Aagaard first conjures up the 1989 Loma Prieta earthquake, which started, many scientists think, along a spur of the San Andreas, some 60 miles south of

ed directly off the San Francisco coastline? What if it had started farther south, so that instead of breaking away from the city it had aimed right toward it? What if it had started farther north and broken south? In the first instance, the tentative answer is that San Francisco gets shaken even harder; in the second, it's Silicon Valley and the Livermore Valley that find themselves clamped in the lion's jaws. "1906 is the most powerful earthquake we can imagine hitting Northern California," says Mary Lou Zoback, head of the USGS Northern California Earthquake Hazards Program. "But it may not have been the worst-case scenario."

Concerned about what their research is



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**ENRAGED:** Protesters at the home in which the alleged rape took place

S P O R T

# Fraternity of Silence

Rape accusations involving three lacrosse players raise troubling questions of race and privilege

By SEAN GREGORY



SOME OF THE BEST SPORTS teams are tighter than brothers: on the field, the players read one another's every move, push one another to work harder and trust in their teammates, win or lose. Off the field they apply the same principles in the pursuit of fun. The party-loving Duke University lacrosse players—known, like the school's other teams, as the Blue Devils—ranked as high as No. 2 in the country this season. They share a bond that might have carried them to a national championship; instead, it has put their faces on WANTED posters on Duke's idyllic campus in Durham, N.C.

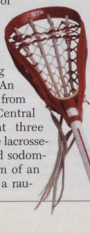
In response to allegations of sexual violence by athletes at one of the nation's premier universities, Duke students posted flyers with photos of most of the lacrosse players imploring them to PLEASE COME FORWARD. But what really happened during the early-morning hours of March 14? An African-American student from nearby North Carolina Central University claimed that three men, believed to be Duke lacrosse-team players, choked and sodomized her in the bathroom of an off-campus house during a raucous

team party at which she was hired to strip. She also said some men yelled slurs at her, a claim backed by a neighbor who heard the words, "Hey, b\_\_\_, thank your grandpa for my nice cotton shirt," as the alleged victim sped off in a car.

The players have formed a Blue line of sorts and stayed mum: the team's four captains issued a statement denying the assault allegations and claiming they and their teammates have cooperated with the police. Duke president Richard Brodhead has suspended their season until the investigation is resolved. Cops say the players have been less than forthcoming.

The campus has erupted: there have been at least half a dozen protests; some 500 people attended an annual Take Back the Night rally, chanting, "Out of the dark, into the streets, we won't be raped, we won't be beat!" Says Michelle Christian, a graduate student in Duke's sociology department, of the tight-lipped players: "It's just a very eerie veil of silence."

**A favorite slogan at Duke: "There's only one fraternity on campus—LAX [the nickname for lacrosse]."**



The Durham County district attorney, Mike Nifong, wants DNA to do the talking; he ordered samples from all the team's white players (46 of the 47), since

the victim claimed her assailants were white. Nifong has yet to press charges, although he says the report from the emergency-room examination of the woman convinced him that a sexual assault took place.

The incident has increased the underlying friction that exists between Durham and Duke over the issues of race, gender and class. The timing of the scandal also inflamed the fervor: the weekend of March 25 was the Black Student Alliance Invitational, in which prospective African-American students visit the Duke campus.

One of the sorest points is the air of privilege surrounding Duke's lacrosse team. Lacrosse, originated by Native Americans, is a rapidly growing sport in the U.S., but it has historically been a game of the privileged and protected, played at elite prep schools and colleges and at public schools located mostly in wealthy areas. A favorite slogan at Duke: "There's only one fraternity on campus—LAX [the nickname for lacrosse]." Fifteen members of the team have committed prior, mostly frat-jock infractions, ranging from public urination to noise violations.

A recent alum, Jill Hopman, says she saw members of the team chugging shots of liquor and shouting "Duke lacrosse" at Charlie's, a popular student hangout, on Saturday, March 25, a full day after the allegations crept into the news. The Duke administration had already decided to forfeit that day's game against Georgetown as punishment for the underage drinking at the party. "I was thinking, You're representing more than yourself," Hopman says. "It was just giving Duke a bad name." She wrote an Op-Ed in the student newspaper, the *Chronicle*, describing the incident. She has been told she's no longer welcome in the bar.

The alleged racial slurs have pitted Durham, a town that is 44% black, against Duke, where only 11% of the undergraduate students are black. A woman called 911 the night of the party and said a man called her a racial epithet as she passed by the house where the alleged rape took place.

Defense lawyers questioned the 911 call, noting that the woman at one point said she was driving by the house, then later that she was walking by it. They also challenged the scope of the DNA sweep, since the team captains told prosecutors that not every player was at the party. Even outraged students and alums like Hopman are urging people not to prematurely judge the players. "We are all Blue Devils in the end," she says. Good teamwork can still bring Duke together. Even when it's tearing it apart. **—With reporting by Al Featherston and Sarah Kwak/Durham and Carolina A. Miranda/New York**



# Super Mario!

Top chef, TV host, official cook of NASCAR ... Mario Batali knows what we really want to eat **By John Cloud**

MARIO BATALI GRABS A BRAWNY HANDFUL OF PARSLEY LEAVES and tosses them into the pot without looking. Onstage before a crowd of 400 at the International Home and Housewares Show in Chicago, Batali is demonstrating how to make fregula soup with clams. It's a simple recipe—fregula is just a kind of pasta—but the soup looks a mess. An interperate amount of chili flakes has gone in, as has what seemed unadvisedly large pinches of saffron, which has a neat but metallic flavor that can overwhelm. As Batali stumbles over a loose cord onstage, it occurs to me that he must be exhausted. It's noon Sunday, and less than 12 hours before, he had been drinking with Emeril Lagasse and their entourages. They hadn't left the Peninsula hotel bar until 1:30 a.m., after the music stopped and the lights went bright. It had been the second night in a row that Batali had closed the place. Saturday night had ended with a couple of rounds of French white (the 2002 Silex, \$115 a bottle) followed by three glasses of grappa, the high-proof distillation of grape pomace long favored by old men in Italy.

A mere six hours after closing the bar, Batali could be found swimming in the Peninsula's rooftop pool. After he swam, Batali put away crab cake Benedict while constantly checking his Treo for messages and simultaneously

Photographs for TIME by Scott Jones



## The Pied Piper of Pasta

Batali isn't the first chef to brand himself, but it's rare that a cook connects with hard-core, affluent foodies as well as harried home cooks. He has expanded his brand by not only giving cooking demos like the one in Chicago last month, above, but also appearing at NASCAR races, launching a cookware line and writing cookbooks. And if he goes out without his orange clogs, fans ask about them





## Mario Eats America

A quick look at the Batali empire, which only 10 years ago consisted of a single 34-seat restaurant



## BOOKS

# 5

Mario Tailgates NASCAR Style; Molto Italiano; The Babbo Cookbook; Mario Batali Holiday Food; Simple Italian Food

## SHOWS

# 5

All on the Food Network. Iron Chef America and Molto Mario are the current shows, but the latter is only in reruns



**OUT OF THE KITCHEN:** Last June, Batali waved the green flag to start a race at Pocono Raceway in Long Pond, Pa.

answering my questions. Then he was off for two hours of negotiations with retailers to persuade them to place orders for his cookware. Next he did the demo, and afterward he signed autographs for about 250 fans. He also kept up a running banter that had continued all weekend.

Burly Chicago guy: "Did you party with the Irish last night, Mario?"

Batali: "No, we partied with the Portuguese." (Lagasse is half Portuguese.)

A suburbanite fortysomething in faded jeans, sneakers and frosted hair: "Can I touch you, Mario?"

Batali, who was signing a book for the woman: "Only above the table, madam."

After the book signing, Batali would fly home to New York City. His plane late, he would miss the private HBO screening of *The Sopranos* at Manhattan's Ziegfeld Theater. But he would make the premiere of *Ring of Fire*, the Johnny Cash musical on Broadway. Batali would then have drinks at the wrap party after the play; he got home around 1 a.m. A few hours later, he would get up early to take his boys, 7 and 9, to school. (Batali and his wife Susi Cahn live in Manhattan.)

Something has to give, right? The man is 45. His girth is so magisterial that the inevitable Falstaff comparison seems inadequate. All that saffron in the soup—that's where he's showing weakness, I decided. *So busy being a star that he's sloppy in the kitchen.* To test the theory, back in Chicago I had sneaked into the prep area after Batali had left the crowd standing in applause. I found a cook named Kirsten West who had prepped the ingredients for the demo. "How's the soup?" I asked.

"It's got heat." She made a whooshing noise and raised her eyebrows. "But it's good."

I grabbed a spoon. The soup rocked. The chili balanced and electrified the saffron; chicken stock and the fregula smoothed everything out. Seeing my surprise, West shrugged. "The man knows how to cook."



THIS IS MARIO BATALI'S MOMENT. OFTEN IT'S difficult to pinpoint the instant a man becomes a brand. Typically you can identify that moment in retrospect—for instance, if you look at the other stars in the food universe, you could argue that Lagasse became something larger, an uberversion of himself, nearly a decade ago, when his management team literally trademarked his expressions "BAM!" and "Kick it up a notch." You can also predict a branding; with her new magazine *Every Day with Rachael Ray*, the unnaturally perky Ray—who plays a flibbertigibbet on her show *30 Minute Meals* but is said to be a savvy businesswoman—seems poised to grow beyond her niche of working women.

But Batali is becoming a brand virtually as you read this. This week he will make the rounds of morning talk shows to promote his new role as the official chef of NASCAR and

his new cookbook, *Mario Tailgates NASCAR Style*. And just as he prepares for cooking demos and book signings at six NASCAR races this season, Batali and business partner Joseph Bastianich, 37, have begun construction on two restaurants in Las Vegas and another site in Los Angeles to be called Mozza that will house both a restaurant and a pizzeria. In July, Batali will launch 78 new items in his cookware line. All that comes after a string of New York City restaurant successes—he has helped open eight Manhattan eateries in the past 13 years—that few chefs can emulate. Many are trying. "Mario does things first, and then two, three years down the line you see it in Cleveland and Chicago," says Patrick Martins, a co-founder of Heritage Foods USA, which sells meat, fish and other goods to high-end restaurants around the U.S. "Mario starts playing with pig bellies and

# “Mario does things first, and then two, three



## RESTAURANTS

7

All in New York City, but construction is beginning on two restaurants in Las Vegas and one in Los Angeles, Mozza

## COOKWARE

172

Items—spatulas, risotto pans and more—will be available July 15. Last year's cast-iron products sold out at Crate & Barrel

## SAUSAGES

5

All pork and all bad news for your diet. The five include sweet, hot and *con formaggio*—with provolone added



## WINES

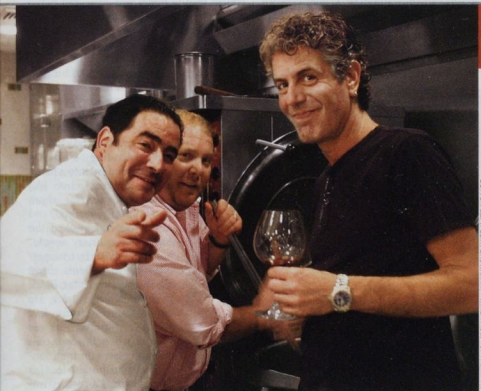
2

Batali co-owns a vineyard in Tuscany, La Mozza, that produces 1 Perazi, \$16. A higher-end wine comes in June

## GUEST SPOTS

1

He has done many talk shows, but he loved his one Sopranos cameo



...AND IN THE KITCHEN: With Lagasse and the Travel Channel's Anthony Bourdain at Emeril's restaurant in Miami Beach

tripe and intestines and even the bladder, and then a lot of people have followed and placed orders [for the same items]. He has reawakened those, quote, low-end cuts."

For those who know Batali only as the host of how-to cooking shows where he prepares uncommon Italian dishes—Paduan gnochi, quail with peas, something called lamb squazetto and literally thousands of others—the NASCAR partnership will come as a surprise. (As will some of the dishes in the new cookbook, which include mudslide pie made with Oreos and graham crackers.) But Batali's visits to NASCAR events to research the book revealed—not least to him—that his appeal transcends foodies or Italophiles. Last June, just before he threw the green flag at the NASCAR event at Pocono Raceway in Long Pond, Pa., tens of thousands of fans began to chant, "MOLTO! MARIO!"—a reference to

*Molto Mario*, one of the five Food Network shows in which he has starred since 1996. NASCAR was impressed. "You have a certain image of chefs, especially in New York, as hoity-toity," says Mark Dyer, a NASCAR vice president. "But this guy gets into the infield and is just one of the guys... In many ways, these events are like big Woodstocks every weekend. Sometimes there are 150,000, even 200,000 people camping, cooking out, having a good time. And Mario, you know, he is capable of being at the center of any good time." He is also a guy who understands the concept of synergy: on the back of the NASCAR book you'll find a snapshot of Batali (sunglasses, regal smile, a gold marker in hand for autographs) standing beside NASCAR legend Richard Childress—and next to them is a bottle of wine from the vineyard (called La Mozza) that Batali and Bastianich own in Tuscany.

Batali the mogul is an emerging figure, but Batali the chef is captured in an incisive, cracklingly funny book scheduled for release May 30. Actually, as you can guess from the title—*Heat: An Amateur's Adventures as Kitchen Slave, Line Cook, Pasta-Maker, and Apprentice to a Dante-Quoting Butcher* (Alfred A. Knopf; 325 pages)—the book is mostly about the author, Bill Buford, a former *New Yorker* editor and fearlessly dedicated foodie. Buford went to work as a cook at Babbo, one of seven Batali-Bastianich restaurants in Manhattan. But Batali is the book's most memorable, entertaining character. In one scene—a dinner at Batali's restaurant Lupa—Buford, his wife and Batali share at least 10 bottles of wine and a prodigious amount of food. "By the time the pastas appeared (I hadn't realized that the first 35 dishes were starters), my notes grew less reliable," writes Buford. "According to one entry, there were eight pastas... followed by an instruction to [Buford's wife] from Mario—'You will eat the pasta, or I will rub the shrimp across your breasts'—which is confusing because I don't remember any shrimp." (Batali says, chuckling, that he doesn't recall uttering those words.)

Buford portrays Batali in other earthy moments—spitting on a cooktop at a Nashville, Tenn., benefit dinner (apparently to prove the cooktop was hot); asking Babbo's wine director for "two more bottles, along with your two best Mexican prostitutes"; snoring his way through a 5 a.m. taxi ride after a night out. But *Heat* is also a portrait of a talent who worked his way from a dishwasher in college to a small-time Greenwich Village cook to America's impresario of all foods Italian. On that Nashville trip, 32 local chefs showed up to volunteer to cook with Batali. (Batali's influence can also be seen in the crudo sensation in New

years down the line, you see it in Cleveland and Chicago."

—PATRICK MARTINS, Heritage Foods USA

York City and L.A.—crudo being Italian-style raw fish, brightly flavored and very pricey. And Batali has inspired top chefs like Michael Symon of Cleveland, Ohio, to begin curing meats in-house to develop their flavors more idiosyncratically.) As for *Heat*, Batali waves off “the stupid s\_\_\_\_\_” he does in the book—“can’t do anything about it”—and jokes that Philip Seymour Hoffman is “the only one of size” who could play him in the rumored film adaptation.

MARIO FRANCESCO BATALI WAS BORN MARIO Francis Batali in 1960. He Italianized the middle name in college—“I hated Francis,” he says—but he’s only half Italian. Batali’s mother Marilyn is of Canadian and English heritage. His father Armandino, a former Boeing executive who has his own bustling restaurant in Seattle, is the Italian one. Batali grew up in Washington State and then, after Boeing transferred his father, in Spain. Batali has two siblings, Dana and Gina, and Marilyn Batali says she requested that each child prepare one meal a week. “At some point, we also began having international days where they were required to have something weird,” she recalls. (That may explain her son’s fondness for items like duck testicles, an ingredient in one of the dishes at Del Posto, a \$12 million Manhattan restaurant he opened in December with Bastianich and PBS chef Lidia Matticchio Bastianich, Joseph’s mother.)

Although a great peddler of excess, Batali first became famous for his restraint in the kitchen, his veneration of simple Italian traditions. After graduating from Rutgers University, where he majored in economics and Spanish theater, Batali worked in kitchens in Britain, California and Turkey, where he was a yacht chef. (“Very good gig. Paid well. Virtually no responsibility. You get some rich yuppie group of six from Chicago paying \$60,000 for a week on a boat. They would tip you a thousand bucks at the end of the week if they were happy. There was enough to live in Bodrum for six months.”) But his formative cooking experience was apprenticing for no pay at La Volta, a trattoria in

the tiny town of Borgo Capanne, Italy.

At La Volta, which is now defunct, Batali learned the basics—handmade pastas; slowly cooked Bolognese sauce; wild mushrooms, greens and berries foraged from the forest floor and served nearly undressed the same day. In 1993, when Batali helped launch his first restaurant, Pò, he brought that unaffected Italian sensibility to downtown Manhattan. (He also needlessly added an accent mark to the name of Italy’s Po River.) “He was doing some things so simple—things like affogato, which is gelato [Italian ice cream] with a shot of espresso in it. It’s a classic in Italian

improvement—in fact a much earlier pioneer was Lidia Bastianich, who was cooking in the authentic Italian vernacular at her New York City restaurants when Batali was rinsing beer glasses in college. But Zagat says Batali’s visibility on the Food Network brought Italian culinary simplicity to a much wider audience.

Pò was relatively inexpensive—its six-course tasting menu was \$29—and Batali was soon feeding downtown artists, actors and, crucially, reporters. He became the most charismatic of the young New York City chefs—fun, funny, a little crude. There was something brash about his will-

ingness to serve a just-picked strawberry drizzled with sweet balsamic vinegar rather than do something more complex and chef-ish like extruding a berry-vinegar solution into a foam. Great California chefs like Jeremiah Tower (for whom Batali briefly worked) and Alice Waters launched the American culinary revolution in the 1970s by trumpeting fresh ingredients above all. Twenty years later, Batali performed a neat trick. He made the revolution feel young and hip again—he was just 32 when Pò opened—and his respect for traditional Italian cuisine also lent his food a sense of history uncommon to American restaurant fare; Batali has always said most of his dishes are mere reinventions of old—in some cases ancient—Italian recipes.

Batali turned out to be an incredibly productive TV cook, able to shoot as many as eight back-to-back episodes of *Molto Mario*. “As soon as the camera was off, I’d say [to the crew], ‘Nine minutes, m\_\_\_\_\_s!’” says Batali. “They hated me initially, but they loved me eventually.” Because of his speed, Batali was able to deliver 517 episodes of the show in just six seasons of shooting. (The show went out of production in 2003, but it still airs in reruns.)

He was simultaneously opening new restaurants: after Pò (which he no longer co-owns) came seven others—plus a bar and a wine shop—that have all succeeded, with one exception. Batali routinely mocks the fustian techniques of French cooking, so it seemed quite a leap last year for him

**PIZZA, MARIO STYLE:**  
At Otto, Batali grills—not bakes—his pies. The one below has two very Italian ingredients: fennel and bottarga, right, which is salted, dried tuna roe. (It’s tastier than it sounds)



restaurants, but I had never seen it in the U.S. And there it was in the menu at Pò,” says Faith Willinger, author of *Eating in Italy* and a leading expert on Italian cuisine. “I took one look at his menu and had immediate respect for him.”

Drawn to Batali’s downtown image, the Food Network came calling two years after Pò opened. TV gave Batali a bully pulpit for the new-old Italian cooking—less spaghetti buried in red sauce, more pumpkin ravioli—which has spread across the U.S. in the last few years. “There has been a revolutionary improvement in Italian food,” says Tim Zagat, a co-founder of the restaurant guides that bear his name. Zagat doesn’t credit Batali entirely for that

and Bastianich to launch Bistro du Vent, a French restaurant on 42nd Street. The food isn't quite French and isn't quite Batali. Struggling for an identity, Bistro du Vent is the first Batali-Bastianich venture where you can easily get a seat. Both men seem to sigh heavily whenever the name of the place is mentioned.

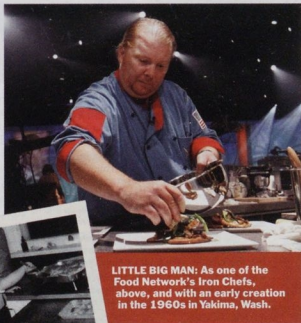
Their six other restaurants are flourishing; Bastianich estimates that they collectively serve 2,000 people a night. Last year the James Beard Foundation named Batali its Outstanding Chef—the top award a U.S. cook can win. This year the foundation has nominated *Molto Italiano*, Batali's book, as best international cookbook and Del Posto as best new restaurant. The winners will be announced at a Manhattan gala on May 8, a few days after Batali returns from cooking chicken thighs and tortilla casserole for scores of NASCAR drivers, crewmen, and their families at Talladega Superspeedway in Talladega, Ala.

When Batali delivered the commencement address last year at Rutgers, he urged the graduates to “get a brand,” which he defined as “your own truth, expressed consistently.” “For better or worse, I’ve got a brand,” he said in the speech. “The orange clogs, the ponytail, the attitude, my seeming fluency in Italian—it’s instantly recognizable. But what matters to me is, it’s not fake.” O.K., but the challenge he now faces is not to misjudge how far you can stretch your brand without cheapening it. In the ‘90s, because of his Manhattan restaurants, Batali vaulted into the small

coterie of cooks who were seen as fine artists rather than mere craftsmen. His brand seemed to be quality, a refined ristorante simplicity. But as he hawks his line of pork sausages to NASCAR fans, one already senses the distress of his original aficionados. Do you order a \$30 squab from the NASCAR chef? Cautionary tales lurk in every corner of the food world: remember Rocco DiSpirito of NBC's *The Restaurant*? Both the show and the eatery, Rocco's 22nd Street, are gone. Wolfgang Puck doubtless earns millions from ventures like his little plastic-wrapped, refrigerated sandwiches sold at the airport. But eating in one of his retro-glitz sit-down

restaurants is now as much an act of irony as gastronomy.

Food is fad—it's gone the second we swallow it—and one day Batali's restaurants will seem musty and trite. But at least for now, Batali—partly because he is a man of catholic, unquenchable appetites—seems to know exactly what our overfed country is hungry for. (It's also not terribly surprising that a country where nearly two-thirds of adults are overweight venerates a large guy as a cooking icon.) Buford notes that Batali once flirted with an apposite motto: “Wretched excess is just barely enough.”



**LITTLE BIG MAN:** As one of the Food Network's Iron Chefs, above, and with an early creation in the 1960s in Yakima, Wash.

SINCE HE MOVED TO NEW York City in 1992, Batali has become an ur-Manhattanite—a Bush-hating liberal, a partier, a good friend of R.E.M.'s Michael Stipe. When I asked how he persuaded a middle-American institution like NASCAR to work with him, Batali answered, “I present a compelling case because”—self-conscious pause—“I’m fun.” A year ago, a Rutgers classmate who is a well-connected NASCAR aficionado brought him to his first big race. On a lark, Batali and his friend had decided to throw a dinner for the drivers. “We handed out little cards with an invitation to all the drivers’ motor homes,” says Batali. “And they came. It wasn’t like we checked with NASCAR.” But when it came time to put together a partnership deal, it didn’t hurt that Batali already knew Brian France, NASCAR’s CEO. A couple of years earlier, France had paid Batali to

cook his wife’s birthday dinner on the couple’s boat in Key West, Fla. (Batali does six or seven such private meals a year. He won’t say precisely what he charges, but if you’re interested, expect the tab to approach six figures.)

Batali and I were talking at the bar in Chicago. He was in town for the housewares show, where his display featured a garish, full-scale plastic replica of an Italian farmhouse. As we spoke, a hefty guy, beer in hand, walked over to our table. He introduced himself as a “firefighter here in Chicago” and said he wanted to shake Batali’s hand. The firefighter’s wife then came over—the first of an endless stream of fans who would approach Batali over the weekend. Cards were pressed into his hand; pictures were taken; autographs were requested on books and shirts and, in one case, a KitchenAid stand mixer. One young female fan walked up to Batali late Friday night and greeted him by biting his cheek.

The next morning, a pixieish 37-year-old named Darcie Purcell (whose business card reads “Brand Manager—Mario Batali”) led Batali into a conference room to see finished versions of new items in his cookware line for the first time. A \$100 risotto pan weighing an astonishing 12 lbs. came out first. “Wow,” Batali said proudly. “You’re not gonna be lifting this up with one hand.” But there was bad news: the kitchenware chain Sur La Table wouldn’t be buying the pan—“too niche,” apparently.

The next item he was shown was a handsome pizza peel, one of those flat, round metal sliders used to move pizza to and from an oven. Batali looked eager.

“When will those be market ready? June?” he asks.

The answer is maybe.

“We’re gonna get a big splash at this restaurant I’m opening in Los Angeles, which is gonna have a huge pizza oven ... So let’s make sure we have 20 of them there, and we can use them all day.” Turning your restaurant into a marketing tool works if you’re Hard Rock Cafe, but it isn’t clear how well it works at the high end. Batali seems to have few qualms: when an assortment of spoons, turners, ladles and skimmers is shown for his approval, Batali says, “All of this will be on display at Mozza in Los Angeles, and it will sell infinitely.”

Confidence is a requirement of someone who works with flame, but Batali sometimes slips into an overconfident car-



icature, the boor at the center of the room. Later that night he will tell Lagasse about a poorly attended cooking demo he did at last year's housewares show for a distracted crowd. It had been a running joke this weekend that few people had come last year, but now Batali let loose: "I'm like, 'Do you know how much people in New York would pay to f\_\_\_\_\_ stand where you're standing?'" Batali was giggling, and everyone doubled over as his voice lifted a couple of comedic octaves. "I'm in the middle of talking, and they're like, 'Got any samples?'" Playing along, someone cackled and added, "Let me go through my pockets for you, stupid a\_\_hole." I think to myself that the Food Network would be a lot more fun if it showed these guys in real life.

Back in the product meeting, someone suggests selling a Batali apron "at a stand in your restaurants." Finally, Batali draws the line at marketing himself.

"That's a great idea!" he says with mock enthusiasm. "Just past the bar, next to the piano player. You too can buy throwaway aprons in the gift shop. Have your picture taken with the likeness of Mario Batali!"

Batali's cookware has sold well since it was launched last year. The 2005 products were anchored around three cast-iron pieces—a 6-qt. pot, a grill press and a lasagna pan large enough to bathe an infant in. "It was the most successful launch of cast iron I've had in my career," says Marjorie Daugherty, the cookware buyer for Crate & Barrel. "We sold 6,000 pieces in the fall, and it was out for January and February." She also believes "Mario's are the best wooden tools on the market."

Her enthusiasm isn't unique. At a dinner with Sur La Table executives that evening, I mentioned to Kerin Seeger, the company's vice president of merchandising, that at my local Sur La Table store, Batali's cookware was crammed onto a lower side shelf. Seeger looked horrified. On the spot, she unleashed her cell phone and left a pointed message for an underling to call her back. It was a theatrical gesture, but she didn't seem to be doing it for Batali, who was well out of earshot. "We love this product," Seeger told me emphatically. (In the end, Sur La Table did order the risotto pan for its stores this year.)

Actually, not all of Batali's cookware looks great—his new plastic cutting boards



**PENNE FROM HEAVEN:** The penne puttanesca at Otto, like all Batali's pastas, never drowns in too much sauce

### Mario's 5 Simple Tips

**Don't oversauce your pasta.** Dress it the way you would a salad, tossing the condiment with the noodles instead of burying them

**Stock your pantry with basics:** Great extra-virgin olive oil, pasta and canned tomatoes, preferably those from San Marzano, Italy

**Buy small amounts of perishable items** like Parmigiano-Reggiano and pecorino cheese and prosciutto from the busiest store you can find

**Don't skimp on browning meat.** Take time to sear meat to a dark golden brown before braising or stewing it. Searing develops flavor

**Empty your spice rack.** You haven't made chicken tikka masala since that experiment in 1986. Old spices taste like wood chips

feel as flimsy as Frisbees—but all of it looks different. That's because Batali's design team includes Sam and John Farber, the legendary father-son duo that founded OXO International, which makes those chunky, black Good Grips products that are some of the best-selling kitchen tools in history.

The Farbers come from cookware royalty—Sam's uncle S.W. Farber launched Farberware with a percolator in 1930—and their collaboration with Batali is unusual. Typically, a celebrity chef's logo will be stamped onto a conventional-looking cooking vessel, and it will stay on the market only a couple of seasons. (Emerilware is a notable exception.) By contrast, Sam Farber, 81, sees Batali's line becoming a stand-alone design company. Like the Good Grips line, which appeared in 1990, the Batali products—with their autumnal colors, arm-breaking size and flattened wooden handles (a simple innovation that lends

comfort to big hands)—feel like something new.

Batali doesn't seem like a person especially interested in moving 10,000 garlic slicers before Christmas, but he enjoys his role in shaping the brand. "When I was trying to define Mario's brand, I came up with three things," says Purcell, his brand manager. "Authenticity, education and enjoyment. Except when I told Mario that, he said, 'Scratch that last one, Darcie. It's f\_\_\_\_\_ hedonism.'" Batali's greatest gift may not be his ability to figure out a winning new way with a scallop but rather his understanding of how to use his image. Batali constantly projects a sense of capering, slightly naughty joy: at a cooking demo,

he rolls up stuffed-eggplant slices and then pretends to lick them like the wrapper around a joint. "Just like we did in the '70s," he says, and the audience cheers. Sometimes he takes the act too far. In *Heat* Buford quotes a liquored Batali asking one of his waitresses to "take off your blouse" for his table. Batali says everyone understood that he was joking. "It's never anything as sinister as it sounds when someone writes it down," he told me. But when you're in the business of hedonism, it's hard to draw lines.

Whether Batali and Bastianich can successfully export their festival of gratification around the country isn't yet clear. The Vegas restaurants will be staffed with experienced talent from their New York restaurants, but Batali won't be able to ride his Vespa scooter to them each night, a quality-control measure he uses in Manhattan. Still, Batali won't run out of culinary ideas any time soon. On his Mac he keeps a database of 20,000 recipes collected over the years on his travels to out-of-the-way Italian towns like the one where he apprenticed. So how big can Batali Inc. grow? The chef insists that he won't open a restaurant in an airport or push his cookware on a shopping network like QVC. Yet when I first met him six years ago, Batali said he didn't expect to open a restaurant in Las Vegas, since it would be too far from New York for him to drop in unannounced. Of course, back then you could also see Batali wearing something other than his now trademark orange clogs. Doesn't he ever get sick of them? "Hey," he answers, "it doesn't matter, as long as they remember you."



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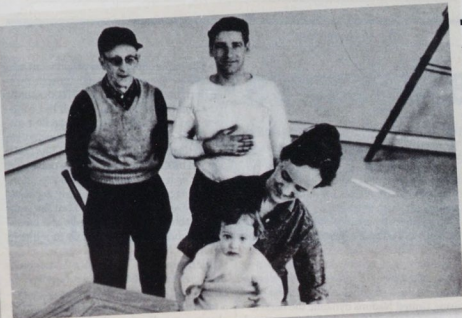


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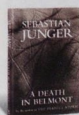




# A Murderer in the Home

The writer of *The Perfect Storm* unravels the story of his brush with the infamous Boston Strangler

By LEV GROSSMAN



A PHOTOGRAPH FROM THE sleepy suburb of Belmont, Mass., circa 1963 shows two people who would later be famous, although nobody had any idea at the time. One is a tiny baby sitting in his mother's lap. The other is a

smiling, tough-looking, pompadoured fellow standing behind her. The baby would grow up to be Sebastian Junger, the megaselling author of *The Perfect Storm*, the true story of a fishing boat lost at sea. The smiling guy was a handyman named Albert DeSalvo. History would come to know him as the Boston Strangler.

As coincidences go, this is a corker. At the time, Junger's mom was having a studio built behind their house, and DeSalvo was there as a workman. And there's another wrinkle, one that might or might not have been a coincidence. During the period DeSalvo was working at the Jungers', a 62-year-old woman was killed in a house down the street. Her name was Bessie Goldberg, and she was raped and strangled—precisely the Strangler's modus operandi. But DeSalvo was never charged with the crime. Instead a black man named Roy Smith, who had cleaned Goldberg's house that day, was convicted of her

murder. Did the police get the wrong man?

That is the story Junger tells in his new book, *A Death in Belmont* (W.W. Norton; 320 pages), and that is the question he tries to answer. "My journalism initially took me overseas a lot, and it took me a while to see the amazing story that I had right back at home," he says in a phone call en route to his home in New York City. Junger is by trade a prowler of battlefields and wildernesses, and his placid, well-heeled hometown was not the most obvious starting point. "I liked the idea partly because it was the exact opposite kind of story from *The Perfect Storm*," he says. "It's not an adventure story. There are no 100-ft. waves. And I just frankly wanted to know what happened."

Goldberg's death was—and still is—the only homicide ever to take place in Belmont. When the police wrote it up, they had to use forms marked TRAFFIC BUREAU REPORT. The cops picked up Smith the next day, and although he maintained his innocence and although the evidence against him was entirely circumstantial, he was convicted and sentenced to life in prison. Smith was 35 at the time, a drifter and a drinker with a penchant but not much aptitude for petty crime. Nothing in his history,

**FATEFUL** Junger as a baby; serial killer Albert DeSalvo stands behind Junger's mother

however, suggests that he was capable of doing what was done to Goldberg.

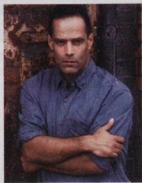
DeSalvo, on the other hand, was a nightmare straight out of Thomas Harris. Born into a violent home in a rough neighborhood, he was a perfect storm of another kind—handsome enough to talk his way into women's homes, sick enough to rape and kill, smart enough to cover his tracks afterward. "All I know is that something would happen and I would have my arms around their necks," he told an investigator. (Junger makes extensive and creepily effective use of police transcripts.) DeSalvo sometimes posed his victims after the crime for shock value and left the victim's underwear knotted in a decorative bow around her neck.

In DeSalvo's dark world, Junger's clear, beautifully reasonable writing is the literary equivalent of night-vision goggles. In *The Perfect Storm* Junger had a great story to work with; in *A Death in Belmont* there is no central thread. He's navigating a maze of shadows, and you can see all the more clearly what an enormously skillful prose artist he is. Absent a pulse-pounding narrative, Junger entrances the reader by picking out small details—like the score of the kickball game being played in front of Goldberg's house when she died—that give the events he's describing an enthralling vividness and resonance and clarity.

DeSalvo eventually confessed to 13 murders, but he always denied having killed Goldberg. So who did? He and Smith have since died, and any DNA evidence from the crime scene is long gone. There is, ultimately, no way to know, and Junger never tries to force a certainty he doesn't feel. "About halfway through, I realized, There's no way. I'm not going to prove this," he says. "At first I was sort of depressed by that—Oh, God, no one is going to read this book because I can't

prove anything. And then I realized, No, no, if you could prove something, that would be the kiss of death to this book because no one would finish it. They would read long enough to know what you were intending to do, and then they'd put it down. What saved me was this idea that I was going to turn the readers into a jury. If you don't know, you just turn to the readers and ask a question and let them decide." —Reported by

Andrea Sachs/New York



**STORM KING** The author explores a tale from his youth

# Taking On the Naysayers

With a terrific second album, the Yeah Yeah Yeahs are on the verge of breaking out—or breaking up

By JOSH TYRANGIEL



IF YOU MEASURE A ROCK group's popularity by the diversity of rumors it has spawned, then the Yeah Yeah Yeahs are the biggest band in the world. According to

various reputable music magazines, singer Karen O hates German people; drummer Brian Chase rigged an MTV contest to win a Bon Jovi concert in his backyard; and the band's new record, *Show Your Bones*, is a concept album about O's cat. To set things straight, O, whose seldom-used last name is Orzolek, digs Germans; Chase has never won anything; and Coco Beware, while a real cat, has yet to inspire a song, let alone a whole album. "It's interesting that people are prepared to believe such odd things about us," says guitarist Nick Zinner. "Either we haven't really defined ourselves yet, or our fans are a little crazy."

Perhaps both. The Yeah Yeah Yeahs' 2003 debut, *Fever to Tell*, careened between art-school punk—the song Tick repeated the word tick an ear-curdling 49 times—and vulnerable pop exemplified by the hit *Maps*, in which O chased after a lover with the lyric "Wait/They don't love you like I love you." As the rare avant-garde band willing to dip a black-painted toenail into the mainstream, the Yeah Yeah Yeahs attracted a small but protective following that many bands would kill for, but they weren't satisfied. "We don't want to preach to the converted," says O. "We want to be ourselves, but on the biggest stage possible."

The Yeah Yeah Yeahs have spent the past two years arguing over not just how to reach more people but also their collective self really is. Chase, 28, and O, 27, became friends while enrolled at Oberlin College. O and Zinner, 33, met in New York City, forged an instant bond and became platonic roommates. All three have cared for one another just long enough to be pained by the fact that they no longer agree on everything. When it came to their next musical step, Zinner wanted the group to stay true to its grimy roots. O argued that it was time to move beyond their raw voice-guitar-drums sound and work with new produc-

ers. Chase refereed. "We're all highly sensitive people. It makes for a very fragile dynamic that can easily go to the dark side."

Complicating matters further is Karen O's status as a completely undeniable Jagger-Bowie-Blondie type of rock star. (In a corner of a Manhattan restaurant darker than a crypt, her spiky air makes her subject to countless gape-mouthed stares.) In the nurturing United Nations dynamic the band aspires to, O is the U.S., and when she moved



**"WE'RE ALL HIGHLY SENSITIVE PEOPLE. IT MAKES FOR A VERY FRAGILE**

**DYNAMIC THAT CAN EASILY GO TO THE DARK SIDE."** —BRIAN CHASE

to Los Angeles in 2004 and pushed to hire producer Sam (Squeak E. Clean) Spiegel, the brother of her then boyfriend, director Spike Jonze, Zinner and Chase reluctantly went along. The trio recalls the writing process—which did not go well—with uncomfortable courtesy, as if they're afraid to say anything that might be misconstrued as an insult and regurgitated later. "There were a lot of crackheads near Sam's recording studio," says Zinner. That is the nicest thing he has to offer about the making of the album.

The apparent joylessness that went into *Show Your Bones* is blessedly absent from the final product. Instead, the album sounds like a tight band making a small but confident pop move. The chorus of the first single, *Gold Lion*, has the catchy, repetitive meaninglessness of all good radio hits but is defined by the power of O's voice hooting in delight as it fades out. O's lyrics are intentionally vague—"Lyrics age poorly, especially if they're specific," she says—but she sings like an actress, with elastic trills and meaningful pauses, so there's a story in a line as small as, "My dear you've been used/ I'm breaking the news." Musically, Zinner darts through and around melody unpredictably, creating an impression of a tune rather than a tune itself. He's not always clean, but he's always compelling, particularly on *Cheated*

*Hearts*, a sizzling breakup song that turns into a musical competition when O sings, "Sometimes I think that I'm bigger than the sound," and Zinner responds with a screeching guitar to remind her who's boss. It's dueling banshees until a final verse in which they yawp together in harmony.

Is it a parable for the making of *Show Your Bones*? The new Yeah Yeah Yeahs' rumor is that they might break up. Their publicist swears it's not true, and here's hoping she's right. This band is just getting started. ■

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IRASC073490



# Taking On the Naysayers

With a terrific second album, the Yeah Yeah Yeahs are on the verge of breaking out—or breaking up

By JOSH TYRANGIEL



IF YOU MEASURE A ROCK group's popularity by the diversity of rumors it has spawned, then the Yeah Yeah Yeahs are the biggest band in the world. According to

various reputable music mag Karen O hates German poet Brian Chase rigged an MTV Bon Jovi concert in his band's new record, *Show Your Bones* concept album about O's cat, straight, O, whose seldom-used Orzolek, digs Germans; Chase won anything; and Coco Brown al cat, has yet to inspire a whole album. "It's interesting prepared to believe such odd us," says guitarist Nick Zinner haven't really defined ourself fans are a little crazy."

Perhaps both. The Yeah 2003 debut, *Fever to Tell*, an art-school punk—the song "The Way" tick an ear-curdling vulnerable pop exemplified by in which O chased after a love "Wait/They don't love you like the rare avant-garde band v black-painted toenail into the the Yeah Yeah Yeahs attract protective following that mar kill for, but they weren't satisfied don't want to preach to the c ed," says O. "We want to be out but on the biggest stage possible."

The Yeah Yeah Yeahs have spent the past two years arguing over not just how to reach more people but also who their collective self really is. Chase, 28, and O, 27, became friends while enrolled at Oberlin College. O and Zinner, 33, met in New York City, forged an instant bond and became platonic roommates. All three have cared for one another just long enough to be pained by the fact that they no longer agree on everything. When it came to their next musical step, Zinner wanted the group to stay true to its grimy roots. O argued that it was time to move beyond their raw voice-guitar-drums sound and work with new produc-

ers. Chase refereed. "We're all highly sensitive people. It makes for a very fragile dynamic that can easily go to the dark side."

Complicating matters further is Karen O's status as a completely undeniable Jagger-Bowie-Blondie type of rock star. (In a corner of a Manhattan restaurant darker than a crypt, her spiky air makes her subject to countless gape-mouthed stares.) In the nur-

The apparent joylessness that went into *Show Your Bones* is blessedly absent from the final product. Instead, the album sounds like a tight band making a small but confident pop move. The chorus of the first single, *Gold Lion*, has the catchy, repetitive meaninglessness of all good radio hits but is defined by the power of O's voice hooting in delight as it fades out. O's lyrics are intentionally vague—"Lyrics age poorly, especially if they're specific," she says—but she sings like an actress, with elastic trills and meaningful pauses, so there's a story in a line as small as, "My dear you've been used/ I'm screaming the news." Musically, Zinner darts through and around melody unpredictably, creating an impression of a tune rather than



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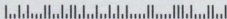
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## DYNAMIC THAT CAN EASILY GO TO THE DARK SIDE. ?? —BRIAN CHASE

to Los Angeles in 2004 and pushed to hire producer Sam (Squeak E. Clean) Spiegel, the brother of her then boyfriend, director Spike Jonze, Zinner and Chase reluctantly went along. The trio recalls the writing process—which did not go well—with uncomfortable courtesy, as if they're afraid to say anything that might be misconstrued as an insult and regurgitated later. "There were a lot of crackheads near Sam's recording studio," says Zinner. That is the nicest thing he has to offer about the making of the album.

*Hearts*, a sizzling breakup song that turns into a musical competition when O sings, "Sometimes I think that I'm bigger than the sound," and Zinner responds with a screeching guitar to remind her who's boss. It's dueling banshees until a final verse in which they yawp together in harmony.

Is it a parable for the making of *Show Your Bones*? The new Yeah Yeah Yeahs' rumor is that they might break up. Their publicist swears it's not true, and here's hoping she's right. This band is just getting started. ■

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WALLFLOWERS—  
NOT: Hartnett and  
Liu are witty flirts

## Of Banter and Bullets

*Lucky Number Slevin* is self-consciously hip and overly plotted but has lots of old-fashioned charm

**S**LEVIN (JOSH HARTNETT) ARRIVES IN New York City with a broken nose and no wallet and unable to find the friend in whose apartment he's staying. On the upside, there's food in the cupboard and a funny, flirtatious woman (Lucy Liu) across the hall. On the downside, he gets abducted,

in a towel and slippers, by a pair of thugs, and we begin to wonder just how ironic the title *Lucky Number Slevin* is going to be.

The answer is, very. The business of the film is to explain why this amiable hunk is being circled by spooky Mr. Goodkat (a tight-lipped Bruce Willis), a wise-guy cop

(Stanley Tucci) and two crime lords (Ben Kingsley and Morgan Freeman). To call the film's plot labyrinthine is to understate the case. To say it works out with complete plausibility is to overstate it. Still, the story never runs completely off the rails and is, in any event, just a pretext for a lot of very sharp badinage by Jason Smilovic—a screenwriter who would have been at home writing for Cary Grant—for yards of terrific movie acting and for some well-timed direction by Paul McGuigan, who sometimes sidles toward pretension but never succumbs to it.

This is the fourth movie in the past month that is set in New York City and involves some sort of criminal activity, and all are smart and entertaining: *16 Blocks*, also starring Willis, as an alcoholic cop trying to get a witness to safety; Sidney Lumet's *Find Me Guilty*, in which Vin Diesel's mobster acts as his own defense lawyer; and Spike Lee's skillfully orchestrated story of a bank heist, *Inside Man*. None of them require the audience to embrace heavy-duty fantasy or comic-romantic fatuity. They have grit, wit and style, plus a semblance of reality—things popular American movies regularly used to have. Is this a trend? One might hope. —By Richard Schickel

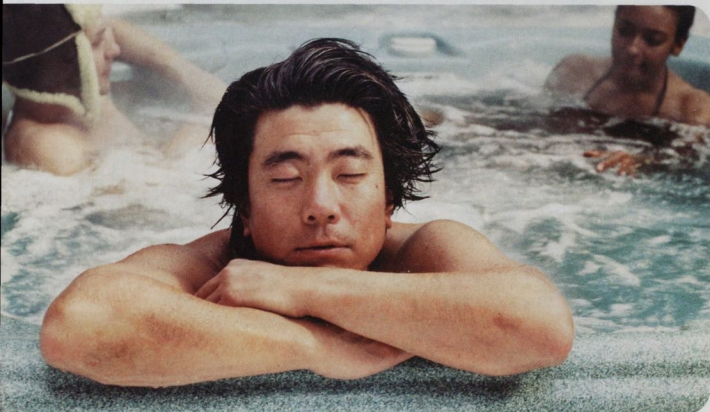
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**▼ SATURDAY**  
**IAN MCEWAN**  
THE POSSIBILITY that our personal well-being might rest upon very thin ice is a

favorite topic of McEwan's. Rarely has he explored it with such serene wit or nasty intensity as in this magnificently unsettling novel, the follow up to his 2002 masterpiece *Atonement*. His central character, Henry Perowne, is a happy man, a successful London neurosurgeon with a loving family and a very comfortable town house. He also shares the

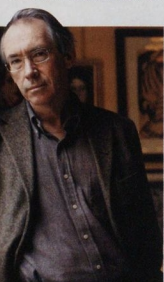
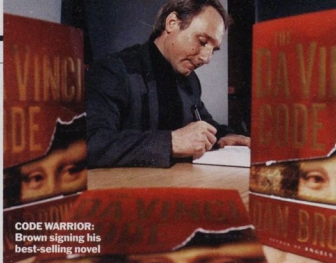


PHOTO: STEVE GRANITZ



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generalized anxieties of people everywhere after 9/11. Then one Saturday he crosses paths with an excitable stranger, a man who will turn up soon again in Perowne's life and give a specific face to all his fears.



**NEVER LET ME GO**  
**KAZUO ISHIGURO**

SOMETHING IS wrong at Hailsham, the very exclusive English boarding school that Kathy H. attends. The students there seem to have no parents, their teachers are wary of them, and they cannot leave the grounds. (You can catch echoes of a dark, inverted Harry Potter.) Part science fiction—horror, past existential waltz, *Never Let Me Go* is a gripping story about ordinary people trying to wring some joy out of life before it's too late—and for Kathy and her friends, it has always been too late.



**AMERICAN PROMETHEUS**  
**KAI BIRD AND MARTIN J. SHERWIN**

BRILLIANT, brooding, fatally naive—J. Robert Oppenheimer was one of the tragic figures of mid-20th century America. It was he who led the team at Los Alamos, N.M., that developed the first atom bomb. But after World War II he became an outspoken opponent of developing the even more powerful hydrogen bomb. That stance brought him the powerful enemies who would conspire to have him stripped of his security clearance and publicly humiliated. This biography is masterful, lucid and balanced, always mindful of Oppenheimer's role in his downfall—even at Los Alamos he was frequently surrounded by former communists—without ever losing sight of the injustices done to him.



**THE ORIENTALIST**  
**TOM REISS**

MADONNA didn't invent self-reinvention. Born in 1905, Lev

Nussimbaum fled the political violence of his native Azerbaijan for the swanky salons of proto-fascist Europe. There he became a swinging socialite and best-selling author using a totally made-up identity, that of a romantic Muslim prince named Essad Bey, a creature of curvy daggers and Moorish sighs. Commingling East and West, art and politics, and featuring countless cameos by the great and powerful, Nussimbaum's unlikely life (lives?) reads like a secret history of the 20th century.



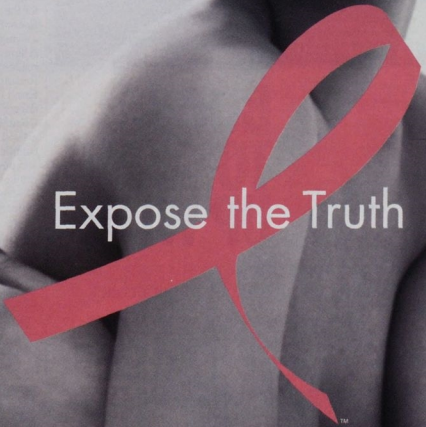
**▲ GARLIC AND SAPPHIRES**  
**RUTH REICHL**

WHEN REICHL became the New York Times' food critic in 1993, she swiftly set about dismantling the work of her predecessors. To pages previously devoted to fussy French cuisine she introduced Japanese soba and Korean *bulgoki*, and she handed out stars to places earlier critics wouldn't have gone to wearing surgical gloves. She wore disguises so she could experience the service that ordinary people (i.e. non-food critics) get. Reichl writes dazzlingly about food, of course, but she also explores how liberating it can be to dress up as somebody else. She liberates her readers as well. —By Lev Grossman and Richard Lacayo



PHOTO: STEVE GRANITZ





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# Of Wine and Women

Serious wine collecting is no longer a male sport. Why don't marketers get it?

By ALICE FEIRING

**BRACE YOURSELVES. A NEW WAVE** of wine marketing is upon us. Julie Brosterman found herself drenched in it as she strolled the aisles of a Rite Aid in Los Angeles. Surrounding her were towering displays of pink and white wines in bottles bearing such flowery names as Seduction and White Lie. Brosterman, creator of the website *womenwine.com*,

derisively dubs them the Virginia Slims of the wine trade.

Perhaps the parade of pastel bottles just beyond the cosmetics aisle is inevitable—at least in states like California, where wine may be sold beside grocery items. For while men continue to do the bulk of the nation's beer and hard-liquor buying, new surveys by Gallup and by Adams Media confirm that women make 53% of U.S. wine purchases. With that information in hand, wine marketers, after decades of ignoring women, are suddenly chasing them like dogs after a bone. "I just wish they wouldn't resort to stereotyping and patronizing us in the process," complains Mary Ewing-Mulligan, president of the International Wine Center in New York City and author of several books on wine.

Indeed, several new wines aimed at women border on the insulting. Seduction, a \$28 bottle by the Napa Valley's O'Brien

◀ **This is not your father's vino. Here, Yellowgen's shamelessly ladylike Pink sparkling wine**

► **Womenwine.com's Julie Brosterman knows what women want: sophisticated vintages, value—same as male drinkers**

Family Vineyard, comes wrapped in a little gauzy sheath as if it were out of Victoria's Secret, with label copy that reads as if it were from a romance novel: "voluptuous, with sensual flavours and a velvet kiss." Says Ewing-Mulligan: "Seduction is so outrageous that it's almost acceptable," and it helps that the *Wine Spectator* gave the Bordeaux-style blend a respectable 89 rating. But there is White Lie Early Season Chardonnay—a de-alcoholized concoction selling for about \$10 a bottle, aimed at women who are counting calories. In this case, it's what's inside the bottle that is "downright offensive," says Ewing-Mulligan, who in 1993 was the first U.S. woman to earn a Master of Wine degree. White Lie has more in common with Diet Coke than with white Burgundy.

The irony is that all this fluff and fribble are arriving just as more women are getting serious about wine. That's the real news, says wine auctioneer Ursula Hermacinski, author of the forthcoming *Wine Lover's Guide to Auctions*. From her auctioneer's perch, Hermacinski sees more women raising bidding paddles and crashing the largely male club of wine collectors. "At each new auction, there seems to be a new female face, bidding on her own, for her own account, as opposed to holding her husband's or boyfriend's paddle," says Hermacinski. "At the last auction there was a table of three women bidding on top-quality Burgundy. They were having so much fun. They knew just when to stop and just when to push it. I was very impressed."



There are other signs of the trend as well. *Wine Adventure*, a magazine specifically devoted to female wine buffs, debuted in July 2005; it even has a sex column, "The Sensual Side." And Mulligan has seen a long-term rise in women signing up for classes. Back in 1982, classes at the Wine Center "were predominantly male," she says. "Now our classes are about fifty-fifty." Brosterman's website is another indication. The site, designed to appeal to women who want more from wine than a flirty label, offers a buying club with

## Wine Cellar 101

Want to start your own wine cellar without your costs going through the roof? Wine auctioneer Ursula Hermacinski has some tips:

■ **TASTE! READ! TRAVEL!** Find out what wines you like by trying as many as you can. Don't limit yourself to mass-market brands or domestic varieties.

■ **WHAT TO BUY** Hermacinski believes that the best values in the \$15-to-\$20 range come from France and Germany. Sadly, the best U.S. wines for aging tend to cost more, but you might try Riesling and Gewürztraminer from New York's Finger Lakes.

Buy at least three bottles of each wine so you can experience its progress over time.

**WHITES** Look for steely Chenin Blancs from the Loire and floral Rieslings from Germany and Alsace. Chardonnays from Burgundy are best. Look to the region of Chablis for edgier wines and the villages of St. Aubin (Côte de Beaune) and Rully (Côte Chalonnaise) for richer ones. **REDS** Look for lusty reds from regions of southwest France such as Languedoc, Cahors, Minervois. Cru Beaujolais is delicious—but avoid

Beaujolais Nouveau. Look for wines from the villages of Fleurie, Moulin-à-Vent and Morgon. Basic Burgundy reds from great producers as well as such little-known appellations as Givry or Les Maranges are fine. Seek Côtes du Rhône from such lesser-known villages as Vin-sobres and Sablet. From the Loire, check out the Cabernet Francs from Chinon and Anjou. There are also lovely wines from Sardinia that benefit from aging.

■ **SHOP BY IMPORTER** Some importers are exceptionally reliable. Look for Louis/Dressner, Weygandt-Metzler, Jenny & François, Neal Rosenthal, Kermit Lynch, Becky Wasserman, Robert Chaderdard, Terry Hess and Martine's Wines, among others. Get to know producers you like, and buy them in every vintage.

■ **KEEP IT COOL** Store bottles where the temperature will stay constant, away from direct sunlight.



## You don't have to mortgage your home to start a wine collection; \$60 a month will do



▲ With women outbuying men, a girly marketing blitz is on. It includes this label

some sophisticated choices and travel opportunities for women wishing to take wine-tasting trips like the one featured in the 2004 film *Sideways*.

While surveys suggest that most women continue to buy just one or two bottles at a time for immediate consumption, a growing number of female devotees are discovering the pleasures—and surprising affordability—of starting a small collec-

tion or cellar and allowing wines to develop over time. When wine is young, its fruit often pops out of the glass, but as it ages—if the wine comes from good soil and a good producer—the fruit fades and the complexity deepens. Women may actually appreciate the nuances of flavor and bouquet more than men do, because studies suggest that they have a more acute nose and palate. To anyone familiar with young wine only, the old stuff comes as a revelation. And you don't have to mortgage the house to start acquiring; \$60 a month will do.

That's how Ronni Olitsky began collecting. A mom, wife, music teacher for tots and co-founder of the Polka Dots (a pop band for young children) in Concord, Mass., she's in charge of her family's wine cache. Olitsky has discovered that even an entry-level wine from a really good producer ages well. She shoots for the best wine in her price range and buys just four to six bottles a month to lay down in the coolest part of her cellar. Food writer Melissa Clark, author of *Chef, Interrupted*, takes the same approach. But while Olitsky uses her cool New England basement, Clark, who lives in Brooklyn, N.Y., decided to build a protected environment for her bottles. "I want them to grow old gracefully," she explains. Rather than investing in a refrigerated wine closet, she had a carpenter construct a simple room in her cellar and plunked in an air conditioner. Both women focus on bottles that cost between \$10 and \$15 apiece that will give plenty of pleasure in five to 10 years. Neither has much interest in hold-

ing the wines for many decades, a practice that requires big-budget wines and storage facilities.

According to Hermacinski, this bargain level of wine collecting is mostly neglected by men. "They often shop by reading the *Wine Spectator* for their high-scoring and expensive recommendations," she observes. Women are more likely to ask advice from a person at a wine shop, according to a survey by Constellation Wines U.S. They appear to be less influenced by formal ratings. (Both genders, however, can be suckers for a nice label, according to the survey, though men are more drawn to images of châteaux, coats of arms and braiding, as opposed to the scenic and floral labels that attract women.)

Of course, it's what's on the inside that really counts. And that falls very much under the mystical influence of time. A bottle of wine, as Maya, the oenophilic waitress in *Sideways* points out, reflects the soil, the sun and the rain of the year its grapes were grown. Its ultimate flavor, though, will also reflect the burnishing influence of the years it lay in wait of a cork-screw. As more women discover that age-old truth about wine and waiting, it's a good bet that fewer will settle for the little White Lie of a cutesy label. ■

► White Lie, with 97 calories a glass and reduced alcohol, is aimed at the diet-conscious

◄ Virginia Madsen's Maya, center, in *Sideways*, is a role model for wine-smart women



PHOTOGRAPH BY FRANK M. ROSE

PHOTOGRAPH BY FRANK M. ROSE

# Giving Fibroids the Heat

A new treatment uses sound waves to shrink the tumors

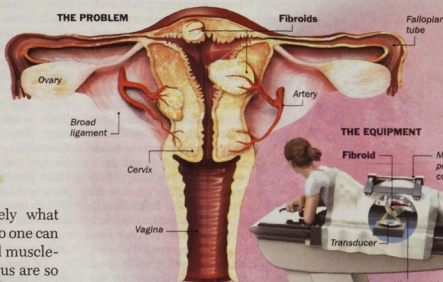
By LESLIE WHITAKER

**NO ONE KNOWS** precisely what causes fibroid tumors. No one can say why those abnormal muscle-like growths in the uterus are so common, with 40% of women over 35 believed to have them. But this much is certain: fibroids cause an awful lot of misery. Although many fibroids remain small and symptomless, the ben-

ign tumors can grow to the size of grapefruits or even cantaloupes. Women with large fibroids often experience unrelenting pressure on the bladder and menstrual bleeding heavy enough to cause anemia. Fibroids are the reason for 30% of the 600,000 hysterectomies performed each year in the U.S. and 30,000 myomectomies, surgeries that remove the tumors but leave the uterus intact.

Like many women burdened with fibroids, Dorla Smith, 48, found the surgical options unappealing. The Chicago accountant dismissed the idea of a hysterectomy as "out of the question." She didn't want to face major surgery, the loss of her uterus and a prolonged recovery period. And she was uncomfortable with a less invasive option called uterine fibroid embolization (UFE), which involves injecting pellets of glycerin into the arteries that lead to the fibroids, choking off their blood supply. UFE can cause temporary but intensely painful cramps. But after living for three years with occasional pain and a belly swollen as if she had been six months pregnant, Smith opted for a new therapy

THE PROBLEM



THE EQUIPMENT



## THE PROCEDURE

Ultrasound waves are focused on small spots in the fibroids—killing the tissue with intense heat. Doctors monitor progress with magnetic resonance images. No incisions are needed, so recovery time is minimal

that uses sound waves to shrink fibroids.

Focused ultrasound (FUS) was approved by the FDA in 2004 and is available at 16 U.S. medical centers. Smith was treated at the Mayo Clinic in Rochester, Minn. She lay belly down in a machine designed by an Israeli company, InSightec, for three hours the first day and almost four hours the second day. The device focuses high-frequency ultrasound beams at targeted spots of fibroid tissue, heating them to 180°. Doctors use magnetic resonance imaging (MRI) to track the volume and temperature of the fibroids after each zap. No incisions are needed. The treated fibroids shrink and become dead tissue, which the body later reabsorbs.

Smith wore earplugs to block the grinding sound of the MRI and clutched a shutoff button in case the heat got too intense. She never used it. She felt only a little back pain from lying still for so long. Afterward, she "felt immediate relief from the heaviness," she says. "I was amazed." She's symptom free 15 months later.

Only 500 women in the U.S. and 1,500

worldwide have been treated with FUS so far, and there are drawbacks. Some large fibroids may not shrink more than 10% after treatment, and fibroids can grow back in some cases. Women with fibroids that are too numerous, too large or too close to the kidney and bladder (which may be damaged by the heat) are not candidates for FUS, nor are women who plan to get pregnant; the effects on fertility are unknown. Cost is another issue. The procedure runs from \$8,500 to \$12,000 and is covered by insurance only on a case-by-case basis.

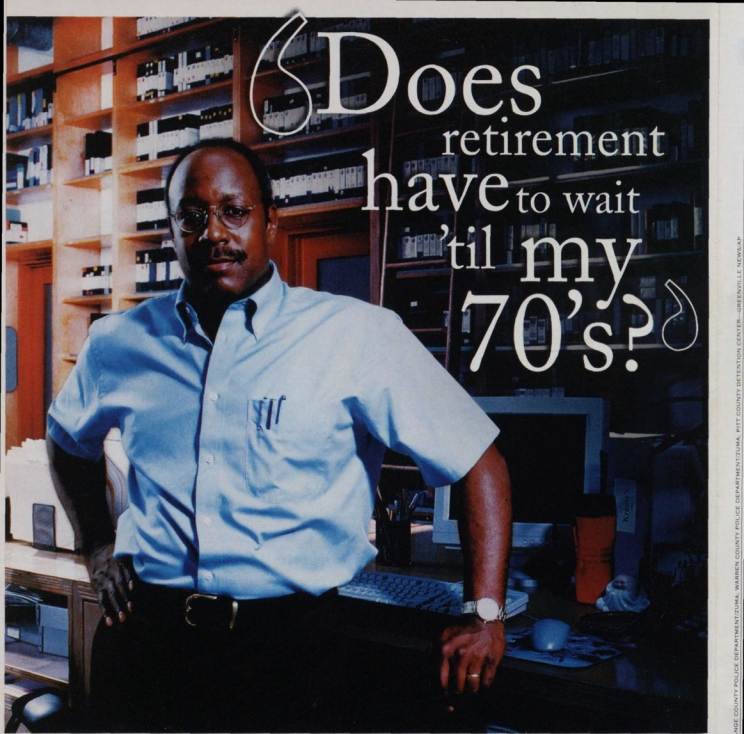
Still, the arrival of a new nonsurgical treatment for one of women's most common complaints is good news. Women have a tendency to delay treatment for fibroids until they are huge and causing big problems. "As we develop less invasive procedures," says Dr. Elizabeth Stewart of Boston's Brigham and Women's Hospital, "we will be able to treat women earlier."

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# Dangerous Liaisons

There's a pattern to the behavior of teachers who seduce male students. Parents, be aware!

By MELBA NEWSOME

**THE CASE WAS SHOCKING**, scandalous yet oddly familiar. Debra Lafave, 25, a stunning blond schoolteacher, faced charges in two Florida counties in connection with a sexual relationship she had with one of her students, a boy of just 14. Investigators said she had had sex with the boy in her classroom, at her home and in



Now married:  
Letourneau in 1997  
with Fualaau, then 14



**FLORIDA** Debra Lafave; three years' house arrest, seven years' probation; sex with student, then 14



**CALIFORNIA** Sarah Bench-Salorio; six years in jail for lewd acts with three boys, then 11 to 13



**TENNESSEE** Pamela Rogers; nine months in jail, eight years' probation. Her sex partner was 13



**NORTH CAROLINA** Katherine Tew; two years' probation; indecent liberties with student, then 17

the back of her SUV. Last month charges were dropped in Marion County, where the SUV incident is said to have occurred, because the boy's family did not want him dragged through a tawdry trial. They had worked out a plea agreement in Hillsborough County that sentences Lafave to three years of house arrest, seven years of probation and lifetime registration as a sex offender who cannot work with or near children. "We only hope, in the next few weeks, Debbie will fade to a footnote," her lawyer, John Fitzgibbons, told the *Tampa Tribune*.

But there are so many such footnotes: ■ **MARCH 2006, WEST PALM BEACH, FLA.:** In a plea agreement, music teacher Carol Flannigan, 51, began serving a five-year prison sentence (to be followed by 10 years of sex-offender probation) for lewd and lascivious molestation of a student that

began when the boy was 11. The relationship lasted 19 months, say police.

■ **JANUARY 2006, SANTA ANA, CALIF.:** English teacher Sarah Bench-Salorio, 29, was sentenced to six years in prison after pleading guilty to 29 counts of lewd conduct (sex with three boys—two of her former students and one of their friends—ages 11 to 13).

■ **SEPTEMBER 2005, WORCESTER, MASS.:** Amber Jennings, 32, pleaded guilty to disseminating harmful materials to a minor (e-mails and nude photos and videos of herself and the teen) and was sentenced to two years' probation. A charge of sex with a minor was dropped. Jennings was the boy's freshman-English teacher; the two later became involved in a six-month sexual relationship that ended when he was 16.

■ **AUGUST 2005, MC MINNVILLE, TENN.:** Elementary-school phys-ed teacher Pam-

ela Rogers, 28—another bombshell blond—received a nine-month jail sentence in a plea deal, plus eight years' probation, for four counts of sexual battery by an authority figure. She had a 2½-month relationship with a student, 13.

All those follow the most notorious teacher-student sex case in recent memory: that of Mary K. Letourneau. In 1996 the married elementary-school teacher and mother of four, 34, conceived a child

with her former student, Vili Fualaau, then 13. Her marriage ended, and she was sentenced to 7½ years in prison for child rape; a sympathetic judge knocked down the penalty to six months. Once released, she resumed the affair, got pregnant again and was returned to prison to serve the remainder of her 7½ years. Released in 2004, she picked up where she left off with Fualaau, by then 21. Less than a year later, with their two young daughters as flower girls, the unlikely couple exchanged wedding vows in a lavish ceremony at a Washington State winery.

There is no way to know whether more female teachers are having relationships with young male students or whether more are simply being reported. But as these cases make clear, inappropriate teacher-pupil relationships are not rare. According to Charol Shakeshaft, a profes-

sor of foundations, leadership and policy studies at Hofstra University, sexual misconduct is the top reason teaching licenses are revoked. "About 10% of kids report that sometime during K to 12, they have been the target of some form of educator sexual misconduct, and about 7% report physical sexual misconduct," she says. "About one-third of those cases are female teachers to male students."

A gangly, immature

adolescent boy holds little appeal for the vast majority of women. But such qualities are precisely what

these women find irresistible, says Dr. Gilbert Kliman, medical director of the Children's Psychological Health Center Inc. in San Francisco. Kliman has consulted on several cases involving female teachers and counselors who sexually assaulted young boys. "The fact that these boys were all at the dawn of their sexuality and were inexperienced seemed to heighten the interest of these women," he says. "They found the instructional quality of the relationship very appealing."

Most offenders share traits besides being accomplished, attractive and married. They tend to be socially naive and have a desperate need to be liked by their students, says University of Connecticut psychiatrist Catherine Lewis. That ultimately makes them unable to maintain proper teacher-student boundaries. And because they may lack the emotional maturity to negotiate age-appropriate relationships, being with a young boy feels less threatening to them. "They typically have had dysfunctional childhoods and poor relationships with their fathers as well as a pattern of abusive relationships," says Lewis. Whereas predatory male teachers often become involved with a series of young female students, female predators usually become fixated on one particular boy. "They are motivated by feelings they perceive as love and believe that the boy is special and not like other boys," says Lewis, who has studied dozens of cases. "It's a very idealized, romanticized and intense relationship, almost like a fantasy."

Letourneau fits that model. She has



◀ Lafave with her lawyer, parents and fiancé. Under terms of a plea bargain, she can no longer teach or be around children

Her goal should be being able to reach the kids."

In nearly every case of female-teacher sexual abuse, the relationship is discovered by a third party. Boys often tell friends of their involvement with the teacher, but they generally don't see themselves as victims and are therefore unlikely to report abuse to parents or authorities. In

fact, unlike female victims, they may be envied or held in higher esteem by their peers.

A double stan-

dard also exists within the criminal-justice system. San Diego elementary-school teacher Thad Jespersen was sentenced to 15 years to life last year for molesting four girls over two academic years. Also in 2005, a South Carolina judge gave Mark Vail, a former church schoolteacher and coach, 10 years for having sex with a student, then 12. Female perpetrators, by contrast, tend to get brief sentences and probation, as in Lafave's case and Letourneau's first one.

"Society is very concerned about protecting the virginity of girls but not so much with boys," explains Kliman. "There has been a tradition in many societies of women initiating boys into a sexual relationship or where boys are sent off to have sex with a prostitute, and that's sometimes regarded as being helpful to shy and sexually unassertive boys."

But experts are quick to point out that boys are also victims, and they may suffer long-term consequences from their abuse. "Crossing the boundary from trusted teacher to romantic partner is likely to cause a long-standing distrust of authority figures," says Kliman. "It sets up a link between strong gratification and strong corruption. The boy will probably be confused by what other moral boundaries he should expect to be broken."

Lafave's victim is now a high school sophomore. He plays basketball, has a new driver's license and doesn't like to talk about what happened. His mother says he just wants to move on. ■

## The fact that these boys are at the dawn of sexuality is what attracts these women

said she fell in love with Fualaau while working with him on a sixth-grade art project when he was 12 and claims that after a while a sexual relationship just seemed "natural." In a phone call recorded by police, Flannigan's student-lover asked the teacher why she had chosen to have sex with him. She reportedly answered, "I don't know why it happened. I don't know why I love you so much."

Shakeshaft believes much educator abuse could be prevented if schools did a better job of identifying predatory teachers. Instructors who lock classroom doors, repeatedly keep a student after school or contact him at home should be suspect. "There are a lot of signs no one recognizes because school officials have not been trained to identify them," she says. "If the teacher is highly motivated to seem cool, you should wonder why. A mature teacher doesn't focus on being cool or accepted."

## For Parents

University of Connecticut psychiatrist Catherine Lewis offers this advice:

- Take an active interest in your child's life. Know where he is, whom he is with and what they are doing at all times.
- If an adult wants to spend a substantial amount of time with your child, find out why.
- Don't ignore gossip you might hear about your child and a teacher. Most times, other kids know what is going on.





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## BEYOND MONOPOLY

Even the most dedicated video gamers, Web surfers and couch potatoes long for an occasional escape from electronic amusement. For old-fashioned fun, many Americans are going back to family board games—sales were up 18% in 2005—and discovering that there's a fresh new crop every year. Here's a sampling of the latest in living-room play. —By Jeremy Caplan



### TRIVIAL PURSUIT TOTALLY '80S

Remember the days of Care Bears and Trapper Keepers? This new take on the original *Trivial Pursuit* focuses on factoids from the early Madonna years, when Rubik's Cubes were hot and Michael Jackson was still known for his music. When '80s is released next month, pop-culture buffs can finally capitalize on all those *Cosby* Show reruns.



### WHOOONU

The creators of the popular game *Cranium* have produced a slew of follow-up hits. Their latest is silly but surprisingly engaging. You earn points for guessing each other's preferences. Most fun are the cross-category comparisons; try guessing if someone prefers sunshine or chocolate.



### WALLAMOPPI

Like the old kids' game *Operation*, *Wallamoppi* requires nimble fingers. The rules are simple: two players take turns trying to stack disks atop a tower without toppling it. The game box cleverly doubles as the timer. Before each turn, a marble is dropped into the box. When it reaches the bottom, your turn is up.



### SCENE IT? SQUABBLE

Games with DVDs are coming on strong. After watching clips, you call out answers to onscreen questions. *Scene It?* sold 5 million copies in 2005, and now there are editions devoted to music, TV and even *Harry Potter*. The newest twist, *Squabble*, is billed as a battle of the sexes, but the original *Scene It?* movie version is better.

### WITS & WAGERS

The average human tongue has how many taste buds? In this lively trivia game, teams ponder such stumpers and jot down their answers. Players then wager points on which team's guesses are closest to the correct answer.

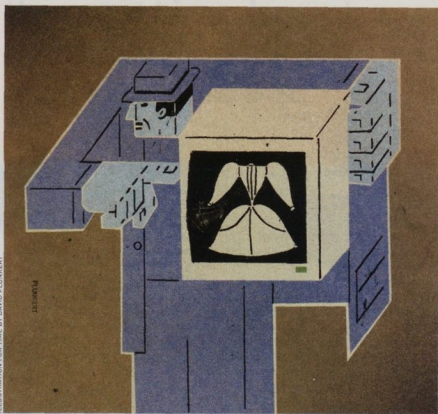


### LAST WORD

Coming up with six vegetables that begin with the letter C can be tricky, especially if the clock is ticking. As in *Scattergories*, players try to rattle off words within a category that begin with a given letter. The twist here is that a buzzer sounds at random intervals. The goal is to be the last player to chime in successfully. If you're the one who screams "Celery!" just before the buzzer, you win the round.







## LET THE EBUYER BEWARE

By JEAN CHATZKY

BLAKELY SMITH, AN AD-SALES REP FROM PHILADELPHIA, WAS TRYING TO HOLD down the cost of her upcoming wedding, so she did what a lot of cost-conscious brides are doing these days. She shopped for her wedding dress on eBay. And she found it: a beautiful Monique Lhuillier design that was lacy and sophisticated and everything she had hoped for. Smith started bidding. And hoping. And bidding again. ■ At the end of the auction, unfortunately, her bid of \$2,400 wasn't high enough to meet the seller's hidden reserve price. That meant the dress didn't

sell. Smith was disappointed. Until she received a message from the seller—or, rather, someone she thought was the seller—agreeing to accept her bid but asking her to conduct the transaction outside eBay by wiring the

money to a Western Union office. In her excitement Smith didn't stop to think that the arrangement sounded a little fishy. She jumped. And she got scammed. She wired the \$2,400 and got no dress in return. Only a heartless—

and brazen—message from the scam artist copying to the fact that she'd been had.

Smith isn't the only person to have been burned in an Internet auction—not by far. According to the list of top consumer complaints

to the Federal Trade Commission for 2005, released in January, Internet-related scams accounted for 46%, or 316,000, of all fraud gripes last year. And the percentage of Internet frauds with "wire transfer" as the reported payment method more than tripled from 2003 to 2005.

If you like to buy things on eBay and other online auction sites, as I do, here's what you need to know to protect yourself:

### **STICK TO THE SITE.**

If you receive a response inviting you to do business outside eBay or whatever site you're using, the smart move is to decline. Even smarter: don't enter into a correspondence at all.

### **AVOID WIRE TRANSFERS.**

Use secure payment systems like PayPal for small-ticket items. For more expensive items, use a legitimate escrow service like Escrow.com, in which your money is held by an intermediary until you've inspected the merchandise.

### **DO YOUR HOMEWORK.**

Always carefully check the seller's feedback ratings. You want to see dozens of positive

messages attesting to his or her reliability. Also, make sure that the merchandise is pictured. You want to see what you're getting, preferably in scale and from many different angles. Finally, pay particular attention to shipping arrangements. Who's paying? How much will it cost? And does the cost sound reasonable?

### **COMPARE PRICES.**

Look at recent auctions of similar items. If you see that the same thing sold for about the same dollar amount, you can

**46%**

Percentage of fraud complaints in 2005 that were Internet related

generally expect that to be the market price. Buyers who don't compare prices risk overpaying or—like Smith—getting taken. Some crafty sellers use friends and associates to get a bidding frenzy started and then let you know—after the auction has closed—that the other bidders have defaulted and you can get the item for your "bargain" bid in the middle of the range. In that case, of course, your bargain bid is no bargain at all. ■

### HOW WE USE EBAY

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# KATIE'S CURE



PAGING  
DR. GUPTA

IT'S NEVER EASY TO TALK TO PATIENTS about getting their colon probed from the inside by a 5-ft.-long tube, but it's a lot easier than it used to be, thanks to NBC host Katie Couric. After she lost her husband Jay Monahan, 42, to colon cancer in 1998, she launched a campaign to raise awareness of the importance of regular screenings—a campaign that may have done more than any doctor could to get people to make that crucial appointment. After Couric bravely had her colon screened on national television in 2000, researchers at the University of Michigan reported a 20% increase in the number of scheduled colonoscopies. It came to be known as the Couric effect. ■ So when I heard the news last week about the risk of colon cancer for smokers and

drinkers, one of my first calls was to Couric. A study of more than 160,000 colon-cancer patients published in the *Archives of Internal Medicine* found that the cancers of patients who smoked tobacco or drank alcohol were diagnosed an average of 5.2 years earlier than were those of other patients. If you smoke as well as drink, the study suggests, your cancer is likely to be diagnosed almost eight years earlier.

Those are findings that ought to get people

in bars across America thinking twice about their bad habits, because the implication is that smokers and drinkers should be getting screened earlier than ever for colorectal

cancer. Doctors usually recommend that patients schedule their first exam on or near their 50th birthday. If you get a colonoscopy—considered the gold standard of screenings because it allows doctors



## After Couric had her colon screened on TV, the number of scheduled colonoscopies rose 20%

to examine the whole length of the lower intestine and snip off any precancerous polyps they find—you may not need to be screened again for 10 years. If you use one of the less definitive tests—a flexible sigmoidoscopy, barium enema or simple stool analysis—you should get tested more frequently.

Couric was on vacation last week, but she got right back to me by e-mail. "Fear and embarrassment are major obstacles," she wrote, "but educated, well-informed people who want to have long lives should force themselves to get over those

feelings. The time to be screened for colon cancer is when you are feeling well and not having symptoms."

She's right, of course. Colorectal cancer remains one of the top three causes of cancer deaths in the U.S. (after lung and breast cancer), but it doesn't have to be; 90% of cases detected early can be cured.

Meanwhile, there are plenty of steps you can take to improve your odds. Exercise is good for both your heart and your colon. You should also try to eat less red meat (which stresses the digestive system) and more

vegetables, fruit and—above all—fiber. Obviously, given the news last week, you need to think about cutting back on your drinking—and, for goodness' sake, stop smoking (or, if you've never started, keep up the good work).

Nobody, not even Couric, likes to talk about getting their backside probed, but, as she puts it, "having a colonoscopy is a heck of a lot easier than facing a diagnosis of colon cancer." —With reporting by A. Chris Gajilan/New York

Sanjay Gupta is a neurosurgeon and CNN medical correspondent

### 5 years

How much earlier colon cancers were diagnosed in patients who smoked or drank alcohol

### 8 years

How much earlier such cancers were diagnosed in patients who smoked and drank alcohol



IMAGE: GETTY IMAGES

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1. In the past 4 weeks, how much of the time did your asthma keep you from getting as much done at work, school or at home?

All of the time	1	Most of the time	2	Some of the time	3	A little of the time	4	None of the time	5
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2. During the past 4 weeks, how often have you had shortness of breath?

More than once a day	1	Once a day	2	3 to 6 times a week	3	Once or twice a week	4	Not at all	5
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3. During the past 4 weeks, how often did your asthma symptoms (wheezing, coughing, shortness of breath, chest tightness, or pain) wake you up at night or earlier than usual in the morning?

4 or more nights a week	1	2 or 3 nights a week	2	Once a week	3	Once or twice	4	Not at all	5
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4. During the past 4 weeks, how often have you used your rescue inhaler or nebulizer medication (such as albuterol)?

3 or more times per day	1	1 or 2 times per day	2	2 or 3 times per week	3	Once a week or less	4	Not at all	5
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5. How would you rate your asthma control during the past 4 weeks?

Not controlled at all	1	Poorly controlled	2	Somewhat controlled	3	Well controlled	4	Completely controlled	5
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Add your answers and write your score in the total box. If your score is 19 or less, your asthma may not be controlled as well as it could be.



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<sup>†</sup>These results were experienced by people taking ADVAIR 100/50, compared with people taking either fluticasone propionate 100 mcg or salmeterol 50 mcg (inhalation powders) alone. Please see important information about ADVAIR on the next page.  
<sup>\*</sup>See [www.advaair.com/breatheasier](http://www.advaair.com/breatheasier) for eligibility rules.



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## IN THE CARDS FOR HELEN: TWO QUEENS

Prepare for a lot of bowing before **HELEN MIRREN** this year. Maybe even some scraping. In HBO's mini-series *Elizabeth I*, debuting April 22, Mirren plays the passionate 16th century British monarch. Then, in Miramax's *The Queen*, due in theaters in the fall, Mirren trades stand-up collars and poufy gowns for pearl strands and tweed skirts for the part of Queen Elizabeth II in a portrait of the royals after Princess Diana's death. "Both Elizabeths share a single-minded sense of dedication—some might say sacrifice—to being a monarch," Mirren says. Elizabeth II has seen *Elizabeth I*, Mirren says. At a dinner party, the Queen told one of the mini-series' producers she enjoyed the program, so the producer offered to send a DVD. "The Queen said, 'Oh, we don't do DVDs. A video would be fine,'" Mirren says. We guess people who live in castles aren't early adapters.



HELEN MIRREN: MICHAEL O'NEILL

## FOR VIOLENT ACTS, PRESS 5

Is someone perhaps too attached to her favorite jeans? **NAOMI CAMPBELL** was charged with assault for allegedly hurling her cell phone at a housekeeper after, prosecutors say, the stormy supermodel accused the woman of stealing jeans Campbell wanted to wear on *Oprah*. This isn't the first time Campbell was accused of roughing up an employee. In 2000 she pleaded guilty to assaulting an assistant, and in 2003 a staff member sued, saying Campbell had thrown, yes, a phone at her. The model said the latest allegation is "completely untrue." Her next court date is June 27. We just hope the right suit is hanging in the closet.

PETER MARBER—GETTY

## HOW DO YOU LIKE THEM APPLES, JUDGE?

Two cultural icons are waging a courtroom battle over a fruit. Apple Corps, the Beatles' record label, wants Apple Computer to remove its bitten-apple logo from its iTunes music store. A lawyer for Apple Corps, which is co-owned by Paul McCartney, **RINGO STARR**, George Harrison's estate and Yoko Ono, downloaded a Coldplay song from iTunes to show a London judge how Apple Computer uses its logo to sell music, in violation, the lawyer said, of a 1991 agreement that it would stay out of the music business. Apple Computer's lawyer responded that "even a moron in a hurry" could distinguish between the online music store and a record label like Apple Corps, with its Granny Smith logo. Thankfully no one confused the issue by bringing up Coldplay singer Chris Martin's baby daughter, named, of course, Apple.



## Q&amp;A | REBECCA ROMIJN

This spring Rebecca Romijn plays a news reporter in the WB's *Pepper Dennis* and a shape shifter in *X-Men: The Last Stand*

**You watched a lot of news for this TV show. Any insights?** The smaller the market, the bigger the hair. One local news reporter was doing a

broadcast from a moving roller coaster. On the hour every hour, she screamed her report out. Was it news? I don't know. **Your parents were hippies. What did they think of your becoming a model?** I left U.C. Santa Cruz to go to Paris. At school, people were partying, wasting time. I learned more the first five days I was in Paris than I did in a year at Santa Cruz. **What can you tell me about the new X-Men movie?** I'm covered in blue paint again. And I suffer a heartbreak.

**Are you wedding planning with your fiancé, actor Jerry O'Connell?** There's no planning going on, but it's definitely gonna be this year, something small and private. **Don't you live in an old brothel?** Yes. It's called Wagon Wheel Ranch. Jerry and I took a trip to Napa last year. When we got back, he put in 800 grapevines. Within a couple years, we'll start producing our own Cabernet, Wagon Wheel Wine. Our website will be [www.wvino.com](http://www.wvino.com).

**It sounds as if you domesticated him.** Yes, Jerry was quite a bachelor when we met. There was nowhere to put your cocktail down in his place. Just the Ping-Pong table.



ROMIJN: GUY LAWRENCE

AP



James Poniewozik

# The Blinking Blue Schoolmarm

Eat your peas! Raise your kids right! Why is my TV trying to run my life?

OF ALL THE CULINARY PAIRINGS DEvised BY MAN—tomatoes with basil, foie gras with truffles, french fries with ketchup—is there any more perfect than TV with junk food? The Super Bowl and chili! Cartoons and Froot Loops! The *Survivor* finale and a pitcher of mojitos! Like hot dogs at the ballpark, those sugary, fatty, liver- and heart-hostile delights simply taste better bathed in a glow of blue light. TV is not just a medium. It is a seasoning, a condiment, a secret sauce.

The network TLC, however, is out to bust up that long and happy marriage. On each episode of *Honey We're Killing the Kids!* (debuts April 10), nutritionist Dr. Lisa Hark visits a family with bad eating and exercise habits. The money scene comes when Dr. Hark leads the parents into a stage that looks like a medieval catacomb and shows them, on a giant TV screen, computer projections of what their kids will look like at age 40 if they keep gorging on sugar and fried food. In the pilot, the parents watch, horrified, as their three sons morph and swell into pallid, pimply, ill-groomed tubs who look vaguely like serial killers. For some reason, the computer model assumes that junk food motivates men to grow bad facial hair.

Dr. Hark then puts the family through a radical three-week boot camp that makes for high drama. (Because really, what better motivation to eat well than watching a kid throw up rice and bok choy?) The beauty of *Honey* is that it wraps its voyeuristic fatexploitation in sanctimony. Dr. Hark is a classic media moralist in the tradition of Judge Judy and Dr. Laura—cut and no nonsense. (Could Dickens have come up with a better name for a TV scold than Dr. Hark?) After a few minutes of her lecturing—“They are on a downward spiral toward disaster!”—I was ready to eat a deep-fried Snickers dunked in whipped cream just to spite her.

But the most dissonant, if not flat-out traitorous, aspect of the show is its attitude toward TV itself. “Rule No. 1,” Dr. Hark declares: “Limit television! No more TV whenever you want!” Does she make a good point about the danger of too much sedentary time? Absolutely. And it would be easier to take seriously if *Honey* didn’t use every manipulative TV trick in the book—sensationalist special effects, trumped-up drama, Grand Guignol music—to keep you in planted front of the screen. In words that Homer Simpson once used to describe alcohol, this is TV anointing itself as “the cause of, and solution to, all of life’s problems!”

*Honey*, however, is hardly the only example of puritainment out there; there is an entire genre answering some unspoken yearning of viewers to have their TVs whip their decadent couch potato butts into shape, or at least to watch it happen to someone else. *Nanny 911*, *Supernanny*, *The Biggest Loser*, *Celebrity Fit Club*, *Wife Swap*, *Cold Turkey*—in all of them, someone comes in to impose “tough new rules” on participants who stand in for us in weak-willed lumpy America. Lose weight! Quit smoking! Be a better parent! Millions of Americans gladly, masochistically sit down to be lectured by their televisions about the very vices—gluttony, laziness, inattentiveness to loved ones—that they

bought televisions to indulge. If there is one thing we love more than TV, it is being ashamed of loving TV.

Now, as a TV critic, I know well that childhood obesity is a serious problem and that TV abets it. I don’t forbid my sons TV—my 20-month-old’s favorite verb is “Pick!”—squealed delightfully when it’s his turn to choose a video—but I limit viewing time and choices. There is probably no parent more annoyingly judgmental about TV than one who watches it for a living.

(My 4-year-old, though, is unimpressed by my argument that *The Doodlebops* is a derivative pastiche of the Sid and Marty Krofft shows of the ‘70s.)

We avoid commercials. We also read books, visit museums and go to the park. And I would no sooner put a TV in my child’s bedroom than I would buy him a bong for Hanukkah.

But as a grownup, when I sit in front of the tube, I don’t want it to improve me. I want it to spoil me. I want it to love me uncritically. I want that generous box, which showered me in my blissful childhood with brain-rotting, violent shows like *Speed Racer* and *Spider-Man*, to give and give and expect nothing in return. Let me have my little, guiltless moment of pleasure. I have the rest of my life to be virtuous, and the rest of eternity to be dead.

*Honey We’re Killing the Kids!* is aware of that last fact—as its title confirms—and, to its credit, it wants to help kids live longer. I hope it does, although I have to wonder, as with a crash diet, whether its extreme regimen can stick. In the end, it’s easier for me to defend *Honey* as entertainment, which is what it finally, absorbingly is. I could hardly move during the first episode, watching with rapt attention as Dr. Hark worked her diet-dominatrix magic, while I ate an overstuffed salami and mortadella sandwich with cheese. It was delicious. ■



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# WHERE'S THE GAS AND WHO NEEDS IT?

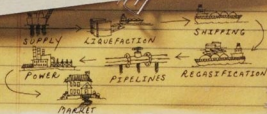


As demand for power and fuel grows steadily in the coming decades, we must consider every viable energy source at hand if we're to meet the world's needs. And because clean natural gas is found in abundance there is little doubt that it will play a major role on the world energy stage in this century, much like oil did in the last. But, like oil, gas reserves are concentrated in just a few places in the world, usually far from where they're needed most. And that's only part of the challenge. The world has had well over 100 years to search for oil and to build the necessary infrastructure to bring it to market; the natural gas infrastructure, particularly when it comes to liquefied natural gas (LNG), is not nearly as developed.

So what needs to be done? On the supply side, producing nations need policies that allow for efficient development of their natural gas in an open, stable business environment, not one in which the rules of the game change without warning. The governments of consuming nations, on the other hand, must enact long-term policies to encourage such development and to ensure they'll have adequate supplies in the future. That means building the related infrastructure, including LNG terminals. This, in turn, will require coastal communities to allow these necessary, but not necessarily pretty, facilities to be built in their backyards. And energy companies have a responsibility to be good neighbors in those communities by operating these facilities responsibly and safely. They must also continue to invest the billions of dollars needed to build the complex transport and storage infrastructure required to bring more gas to market.

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